

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRAHAM CHASE ROBINSON

Plaintiff,

-against-

Case No. 1:19-cv-09156(LJL)(KHP)

ROBERT DE NIRO AND CANAL PRODUCTIONS, INC.,

Defendants.

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EXAMINATION BEFORE TRIAL of DANIEL HARVEY,
taken by the Plaintiff, pursuant to Notice, held via
REMOTE PROCEEDINGS, on January 5, 2022, at 1:03 p.m.,
before a Notary Public of the State of New York.

1 A P P E A R A N C E S:

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17 BRITTANY K. LAZZARO, ESQ.

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20
ALSO PRESENT:

21
ROBIN SKIDMORE-Videographer
22 Magna Legal Services
23 THOMAS HARVEY, ESQ.-for Robert De Niro
24 GRAHAM CHASE ROBINSON-Plaintiff
25

1 S T I P U L A T I O N S :

2 IT IS STIPULATED AND AGREED by and between the attorneys
3 for the respective parties herein, and in compliance
4 with Rule 221 of the Uniform Rules for the Trial Courts:
5 THAT the parties recognize the provision of Rule 3115
6 subdivisions (b), (c) and/or (d). All objections made
7 at a deposition shall be noted by the officer before
8 whom the deposition is taken, and the answer shall be
9 given and the deposition shall proceed subject to the
10 objections and to the right of a person to apply for
11 appropriate relief pursuant to Article 31 of the CPLR;
12 THAT every objection raised during a deposition shall be
13 stated succinctly and framed so as not to suggest an
14 answer to the deponent and, at the request of the
15 questioning attorney, shall include a clear statement as
16 to any defect in form or other basis of error or
17 irregularity. Except to the extent permitted by CPLR
18 Rule 3115 or by this rule, during the course of the
19 examination persons in attendance shall not make
20 statements or comments that interfere with the
21 questioning.

22 THAT a deponent shall answer all questions at a
23 deposition, except (i) to preserve a privilege or right
24 of confidentiality, (ii) to enforce a limitation set
25 forth in an order of a court, or (iii) when the question
is plainly improper and would, if answered, cause
significant prejudice to any person. An attorney shall
not direct a deponent not to answer except as provided
in CPLR Rule 3115 or this subdivision. Any refusal to
answer or direction not to answer shall be accompanied
by a succinct and clear statement on the basis
therefore. If the deponent does not answer a question,
the examining party shall have the right to complete the
remainder of the deposition.

26 THAT an attorney shall not interrupt the deposition for
27 the purpose of communicating
28 with the deponent unless all parties consent or the
29 communication is made for the purpose of determining
30 whether the question should not be answered on the
31 grounds set forth in Section
32 221.2 of these rules, and, in such event, the reason for
33 the communication shall be stated for the record
34 succinctly and clearly.

1 THAT the failure to object to any question or to move to
2 strike any testimony at this examination shall not be a
3 bar or waiver to make such objection or motion at the
4 time of the trial of this action, and is hereby

5 reserved; and

6 THAT this examination may be signed and sworn to by the
7 witness examined herein before any Notary Public, but
8 the failure to do so or to return the original of the
9 examination to the attorney on whose behalf the
10 examination is taken, shall not be deemed a waiver of
11 the rights provided by Rule 3116 and 3117 of the CPLR,
12 and shall be controlled thereby; and

13 THAT the certification and filing of the original of
14 this examination are hereby waived; and

15
16 THAT the questioning attorney shall provide counsel for
17 the witness examined herein with a copy of this
18 examination at no charge.
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1 DANIEL HARVEY

2 MS. SLOAN: Thank you for being here
3 today for your deposition. Just before we
4 begin, I'm going to explain to you some of the
5 ground rules for your deposition.

6 THE VIDEOGRAPHER: Excuse me, just a
7 second.

8 MS. SLOAN: Okay. I thought we were on
9 the record.

10 THE VIDEOGRAPHER: We are on the
11 record. There's just a little bit of
12 information that I have to just read through
13 and then you guys can get started, if that's
14 okay.

15 MS. SLOAN: Thank you, Robin.

16 THE VIDEOGRAPHER: No problem. We are
17 now on record, and this begins videotape number
18 one in the deposition of Dan Harvey in the
19 matter of Graham Chase Robinson versus Robert
20 De Niro and Canal Productions. Today is
21 Wednesday January 5, 2022, and the time is 1:03
22 p.m. eastern standard time. This deposition is
23 being taken at a remote location at the request
24 of Sanford Heisler Sharp. The videographer is
25 Robin Skidmore of Magna Legal Services. The

1 DANIEL HARVEY

2 court reporter is Brooke Perry of Magna Legal
3 Services. Will counsel and all parties present
4 state their appearances and whom they
5 represent.

6 MS. SLOAN: This is Annie Sloan from
7 Sanford Heisler Sharp on behalf of the
8 Plaintiff.

9 MS. HARWIN: This is Alexandra Harwin
10 from Sanford Heisler Sharp on behalf of the
11 Plaintiff.

12 MR. HEISLER: Jeremy Heisler on behalf
13 of Sanford Heisler Sharp for the Plaintiff.

14 MS. MACMULLIN: Kate MacMullin from
15 Sanford Heisler Sharp on behalf of the
16 Plaintiff.

17 MR. SCHAITKIN: Simon Schaitkin from
18 Sanford Heisler Sharp on behalf of the
19 Plaintiff.

20 MR. BENNETT: Gregory Bennett on behalf
21 of all Defendants. Traub Lieberman Straus and
22 Shrewsberry.

23 MR. DROGIN: And on behalf of Canal
24 Productions, Laurent Drogin from Tarter Krinsky
25 and Drogin.

1 DANIEL HARVEY

2 MS. LAZZARO: Also on behalf of Canal
3 Productions, Brittany Lazzaro from Tarter
4 Krinsky and Drogin.

5 THE VIDEOGRAPHER: Okay. Will the
6 court reporter please swear in the witness.

7 D A N I E L H A R V E Y, the witness herein, having
8 been first duly sworn by a Notary Public of the State of
9 New York, was examined and testified as follows:

10 EXAMINATION BY

11 MS. SLOAN:

12 Q. State your name for the record, please.

13 A. Daniel Joseph Harvey.

14 Q. Please state your address again for the record.

15 A. [REDACTED]

[REDACTED].

17 MR. DROGIN: Can I just ask that Ms.
18 MacMullin, Ms. Robinson, Mr. Heisler and Mr.
19 Schaitkin turn on their video?

20 MS. SLOAN: Did you say turn on their
21 video?

22 MR. DROGIN: On their video, yes, I
23 did.

24 MS. SLOAN: I would prefer for the
25 folks who are not speaking to have their camera

1 DANIEL HARVEY

2 off as well.

3 MR. DROGIN: Well, paragraph 4 of the
4 order in this case, says each person attending
5 the deposition shall be visible to all other
6 participants. Their statements shall be
7 audible to all participants and they should
8 each strive to ensure their environment is free
9 from noise and distractions. So if you're not
10 going to show your face, then you need to
11 leave.

12 MS. SLOAN: Okay. In that case,
13 individuals can put on their cameras.

14 MR. DROGIN: Or leave.

15 Q. Okay. Thank you for being here today for your
16 deposition. And just before we begin, I'm going to
17 explain to you some of the ground rules. I will ask you
18 questions and both my questions and your answers will be
19 recorded by the court reporter. Both of us need to
20 speak up and speak clearly and slowly so that the court
21 reporter can record everything. Do you understand that?

22 A. Yes.

23 MR. DROGIN: Objection to the form.
24 Compound.

25 Q. If you don't understand my question for any

1 DANIEL HARVEY

2 reason, don't answer it and ask for clarification. If
3 you answer the question, however, we will assume that
4 you understood the question. Do you understand that?

5 A. I do.

6 Q. And you must answer verbally, because the court
7 reporter cannot record a nod or shake of the head. Do
8 you understand that?

9 A. Yes.

10 Q. And please wait until I finish my question
11 before you start answering. If you need a break at any
12 time or for any reason, you should tell me and we will
13 finish your answer if you're in the middle of it and
14 then take a break. The only time you can't take a break
15 is if a question is pending. Do you understand that?

16 A. Yes.

17 Q. Your attorney will object from time to time,
18 but unless he instructs you not to answer, you must
19 answer the question. Do you understand that?

20 A. Yes.

21 MR. DROGIN: Objection to the
22 characterization that we'll be objecting from
23 time to time.

24 Q. If you answer a question and later on you
25 remember some additional information or you'd like to

1 DANIEL HARVEY

2 clarify an earlier response, please tell me that you
3 would like to add something to an earlier answer and I
4 will give you the opportunity to do that. Do you
5 understand that?

6 A. Yes.

7 Q. If I use a term or abbreviation incorrectly,
8 please correct my usage so that we can make sure that we
9 all have the same understanding of what the record
10 means. Do you understand that?

11 MR. DROGIN: Objection to the form.

12 You can answer.

13 A. Yes.

14 Q. When I refer to Canal, I'm referring to Canal
15 Productions. If you are unsure about what I mean by any
16 term, please let me know. Is there any instruction I
17 provided that you do not understand or do not agree
18 with?

19 MR. DROGIN: Objection to the form.

20 Compound.

21 A. No.

22 Q. This testimony is under oath, just as if you
23 were in a court of law. This testimony may be used as
24 evidence in this case. Do you understand that?

25 A. Yes.

1 DANIEL HARVEY

2 Q. Do you have any electronic screens or
3 communication devices with you in the room that you're
4 in right now?

5 A. My iPhone.

6 Q. Okay. I'd like to ask to make sure that all
7 devices with you, including your iPhone, that you're not
8 using them during the deposition; is that okay?

9 MR. DROGIN: Objection. I think he's
10 on his iPhone. How can he be deposed if he's
11 not using it?

12 MS. SLOAN: Okay. Let me clarify.

13 Q. Are you using your iPhone as a video to take
14 this -- for this deposition?

15 A. No. I'm on a laptop.

16 Q. Okay. So then I will go back and say that it's
17 important that all devices are off and that you're not
18 using them during the deposition other than the laptop
19 that you're using the video for; is that okay?

20 A. Yes.

21 Q. Is your iPhone off right now?

22 A. It is on silent.

23 Q. Could you please turn your iPhone off?

24 A. Sure. It is off.

25 Q. Okay. Thank you. And are there any other

1 DANIEL HARVEY

2 electronic devices besides the laptop that you're using
3 and the iPhone that you just turned off in the room with
4 you?

5 A. No.

6 Q. Is there anyone in the room with you today?

7 A. No.

8 Q. Do you understand your obligation to provide
9 testimony that is truthful and complete?

10 A. Yes.

11 Q. Do you consider yourself an honest person?

12 A. Yes.

13 Q. Do you consider it important to tell the truth?

14 A. Yes.

15 Q. Do you consider it important to tell the truth
16 even though you might suffer adverse consequences as a
17 result?

18 A. Yes.

19 Q. What is your date of birth?

20 A. [REDACTED]

21 Q. How long have you resided at your current home
22 address?

23 A. Since May 2021.

24 Q. Where was your residence prior to May 2021?

25 A. It was Calabasas, California.

1 DANIEL HARVEY

2 Q. And what was the address?

3 A. You know what, I don't remember. It was [REDACTED]

4 [REDACTED] I was only [REDACTED]

5 there for a few months. I can't remember that.

6 Q. And where were you prior to that address?

7 A. I was at [REDACTED]

8 [REDACTED]

9 Q. How long did you leave at [REDACTED]

10 [REDACTED]

11 A. Since, approximately December of 2007. Since

12 December 2007, approximately.

13 Q. And what was the reason for your most recent
14 move?

15 A. I sold my home, my house.

16 Q. Why did you sell your house?

17 A. To be closer to my son's school.

18 Q. Do you suffer from any condition that affects
19 your memory?

20 A. Not that I know of.

21 Q. Have you consumed any substances that affect
22 your memory or ability to communicate today?

23 A. No.

24 Q. Is there any reason physically or mentally that
25 you're not able to testify today truthfully and

1 DANIEL HARVEY

2 completely?

3 A. No.

4 Q. Have you been married?

5 A. Yes.

6 Q. When were you married?

7 MR. DROGIN: Objection. Relevance.

8 Q. You can answer. When were you married?

9 A. June of 2004.

10 Q. To whom were you married?

11 MR. DROGIN: Objection. Relevance.

12 Q. You can answer. To whom were you married?

13 A. Meredith Harvey.

14 Q. Are you still married to Meredith Harvey?

15 MR. DROGIN: Objection. Relevance.

16 A. Yes.

17 Q. Have you had any children?

18 MR. DROGIN: Objection to the form and
19 to the relevance. If you have, we'd like to
20 alert the media.

21 Q. Have you had any children?

22 A. Yes.

23 Q. How many children have you had?

24 MR. DROGIN: Objection to the form and
25 the relevance.

1 DANIEL HARVEY

2 Q. How many children have you had?

3 MR. DROGIN: Same objection.

4 A. Two.

5 Q. I'm sorry, I didn't hear that.

6 A. Two.

7 Q. What are their names?

8 MR. DROGIN: Objection. I'm going to
9 direct the witness not to answer at this time.

10 MS. SLOAN: Why? For what reason,
11 Counselor?

12 MR. DROGIN: This is a question that is
13 entirely irrelevant and it's designed to
14 harass, intimidate or embarrass the witness.
15 It has absolutely nothing to do with the case.
16 If you'd like to explain to me why it does, I'm
17 happy to listen.

18 MS. SLOAN: It's an inappropriate
19 direction, Counselor, and I'm going to repeat
20 the question.

21 MR. DROGIN: You can repeat it. I'm
22 just going to give the same direction and we
23 can ask the Judge if she thinks it's
24 appropriate to ask this witness about his
25 children.

1 DANIEL HARVEY

2 MS. SLOAN: We are entitled to ask
3 background information to the witness.

4 MR. DROGIN: Background information is
5 one thing. Information about his children is
6 another. It's too far into the background. If
7 you want to check with the Judge, that's fine.

8 MS. SLOAN: Counselor, you're impeding
9 the deposition at this time. I'm going to ask
10 the question again.

11 MR. DROGIN: I disagree with the
12 statement. You can ask it 15 times. I think
13 let's call the Judge and let's find out right
14 now if the Judge thinks it's appropriate to ask
15 Mr. Harvey -- we all know why Mr. Harvey is
16 here. You want to know about his wife, you
17 want to know about his children, that's not
18 what this case is about.

19 MS. SLOAN: Counselor, you're impeding
20 the deposition.

21 MR. DROGIN: You've said that. We're
22 going in circles. We're either going to call
23 the Judge or you're going to move on. You can
24 mark it for a ruling too. That's fine.

25 MS. SLOAN: Let the record reflect that

1 DANIEL HARVEY

2 we have been prevented from receiving an answer
3 to the question, and I'm going to move on with
4 the next question.

5 MR. DROGIN: The record is well
6 preserved.

7 Q. What year was your first child born?

8 MR. DROGIN: Objection. Same objection
9 and same direction. Can you make a
10 representation as to what the relevance is to
11 this case, because I'm getting ready to end the
12 deposition and then we can go to the Judge and
13 you can explain it to her. This is absurd.

14 MS. SLOAN: Okay. Let the record
15 reflect that the witness has been directed not
16 to answer the question again.

17 MR. DROGIN: You have it by the court
18 reporter and you have it by video. You don't
19 need to let the record reflect.

20 MS. SLOAN: Counselor, don't make
21 speaking objections.

22 MR. DROGIN: It's not an objection.
23 It's not a speaking objection. I'm correcting
24 the record that you're trying to establish
25 because it's already there. If you'd like to

1 DANIEL HARVEY

2 mark it for a ruling --

3 MS. SLOAN: Okay. Counselor, you're
4 impeding the deposition. So I'm going to move
5 on.

6 Q. What year was your second child born?

7 MR. DROGIN: Same objection and same
8 direction. If you're not prepared to explain
9 to me the relevance, I'm going to stand by my
10 objection.

11 MS. SLOAN: Mr. Drogin, I'm entitled to
12 receive background information and I'm going to
13 move on to the next question.

14 MR. DROGIN: But I disagree. I
15 disagree that this is relevant background
16 information.

17 MS. SLOAN: Well, this is an
18 inappropriate time to have a debate.

19 MR. DROGIN: I'll be sure to ask Ms.
20 Robinson all about her mother and her father.

21 MS. SLOAN: Counselor, I'm going to
22 move onto the next question.

23 MR. DROGIN: Thank you.

24 Q. What does your wife do professionally?

25 A. Currently? Give me a timeframe.

1 DANIEL HARVEY

2 Q. What does your wife do professionally
3 currently?

4 A. She's a housewife and mother.

5 Q. And for how long has your wife not worked?

6 MR. DROGIN: Objection to the form.

7 And objection, mischaracterizes the witness's
8 testimony.

9 Q. You can answer the question.

10 A. She's a housewife.

11 Q. How long has she been a housewife?

12 A. 17 years.

13 Q. Besides working as a mother and housewife, has
14 your wife done -- in the past 17 years, has she done
15 anything else professionally?

16 A. Yes.

17 Q. What has your wife done professionally?

18 A. Visual merchandise director.

19 Q. Can you repeat that? What's the first word
20 that you said?

21 A. Visual.

22 Q. And what years was your wife a visual
23 merchandise director?

24 A. Since I met her, from 200 -- let me see. For
25 as long as I've known her until approximately --

1 DANIEL HARVEY

2 Q. To the best of your recollection.

3 A. 2008, '10, something like that. I don't know.

4 Q. Okay. Thank you. During your employment at
5 Canal, have you been the primary earner for your family?

6 A. Yes.

7 Q. Have you ever been a party to any kind of
8 lawsuit, whether it involved a court arbitration or
9 administrative proceeding?

10 A. Yes.

11 Q. Were you the plaintiff in that -- were you a
12 plaintiff?

13 MR. DROGIN: Objection to the form. Go
14 ahead and answer. It's a yes or no question,
15 if you can answer.

16 A. Yes.

17 Q. What was the nature of that lawsuit?

18 A. It was a [REDACTED].

19 Q. What were the names of the parties involved in
20 the lawsuit?

21 MR. DROGIN: Objection to the form.
22 You can answer.

23 A. [REDACTED].

24 Q. How was the lawsuit resolved?

25 MR. DROGIN: Objection to the form.

1 DANIEL HARVEY

2 You can answer.

3 A. What was the question again? Repeat, please.

4 Q. How was the lawsuit resolved?

5 A. With a decision by the Court.

6 Q. And where did that legal proceeding take place?

7 A. [REDACTED]

8 Q. And what was the decision by the Court?

9 A. The decision was that [REDACTED]

[REDACTED].

11 Q. And during that lawsuit, did you testify under
12 oath?

13 A. I did.

14 Q. Did you testify during a trial?

15 MR. DROGIN: Objection to the form.

16 There's been no testimony that there was a
17 trial.

18 Q. My question was did you testify during a trial?

19 MR. DROGIN: A trial or the trial?

20 MS. SLOAN: Let me rephrase the
21 question.

22 Q. Did you testify during a trial during that
23 lawsuit?

24 MR. DROGIN: Objection to form. The
25 witness has not been asked if there was a

1 DANIEL HARVEY

2 trial. You're assuming facts not in evidence.

3 MS. SLOAN: If the witness understands
4 the question, the witness can answer.

5 MR. DROGIN: The lawyer doesn't
6 understand the question. You're assuming facts
7 not in evidence. I can't adequately represent
8 him if I --

9 MS. SLOAN: Counselor, I understand
10 your objection.

11 Q. Was there a trial during the lawsuit that you
12 had?

13 A. Yes.

14 Q. Did you testify during the trial?

15 A. Yes.

16 Q. Did you testify at any other point during that
17 lawsuit?

18 A. I don't understand the question.

19 Q. Did you testify during deposition in that
20 lawsuit?

21 A. I did.

22 Q. Do you recall the date of the trial?

23 MR. DROGIN: It's a yes or no question.

24 A. Repeat the question, please.

25 MR. DROGIN: Do you recall the date of

1 DANIEL HARVEY

2 the trial?

3 THE WITNESS: I do not.

4 Q. Do you recall the general year of the trial?

5 MR. DROGIN: It's a yes or no question.

6 A. No.

7 Q. Okay. Is there a general timeframe that you
8 could recall when the trial occurred?

9 A. Maybe [REDACTED] [REDACTED]

10 Q. Okay. Thank you. Besides that lawsuit, have
11 you been a party to any other kind of lawsuit?

12 A. No.

13 Q. Have you been a witness to any other kind of
14 lawsuit?

15 A. No.

16 Q. Okay. One more question about the testimony
17 that you provided at trial. During that testimony, did
18 you discuss your role at Canal?

19 A. I don't recall.

20 Q. During the deposition of that lawsuit, did you
21 discuss your role at Canal?

22 MR. DROGIN: Objection to the form.

23 Assumes a fact not in evidence. I believe you
24 know Canal was formed in 2001. So if we're
25 talking about 1996 to 1997, which was the

1 DANIEL HARVEY

2 witness's guess, I'm going to object.

3 Q. During the deposition or the trial in that
4 lawsuit, did you discuss -- did you testify about your
5 role working for Mr. De Niro or your role working for
6 Canal?

7 MR. DROGIN: Objection to the form.

8 It's compound.

9 Q. You can answer.

10 A. I can't remember.

11 Q. Besides those -- the two testimonies that you
12 just described, have you ever testified under oath?

13 A. I don't think so, no. That's it.

14 Q. Have you ever provided a sworn statement,
15 declaration or affidavit relating to any lawsuit,
16 whether it involved a court, arbitration or
17 administrative proceeding?

18 MR. DROGIN: Objection to the form of
19 all nine compound questions. So it's
20 certification, declaration, affidavit in any
21 one of those three different types of
22 proceedings? Nine different combinations.

23 MS. SLOAN: Okay, Counselor, please
24 stop interrupting.

25 MR. DROGIN: I'll just object to the

1 DANIEL HARVEY

2 form. It's a yes or no question.

3 Q. Mr. Harvey, if Mr. Drogin objects to the form,
4 you should still respond to my question.

5 MR. DROGIN: That is correct.

6 A. Please repeat the question.

7 Q. Yes. Have you ever provided a sworn statement,
8 declaration or affidavit relating to any lawsuit,
9 whether it involved a court, arbitration or
10 administrative proceeding?

11 MR. DROGIN: Objection to the form.

12 A. No.

13 Q. Have you ever provided any testimony or any
14 sworn statement in a case involving Canal Productions?

15 A. No.

16 Q. Have you ever provided any testimony or any
17 sworn statement in a case involving Mr. De Niro?

18 A. No.

19 Q. Have you provided any sworn statement,
20 declaration or affidavit relating to the lawsuit brought
21 by Graham Chase Robinson or the counterclaims against
22 her?

23 MR. DROGIN: Objection to the form.

24 You can answer.

25 A. No.

1 DANIEL HARVEY

2 Q. Have you ever been convicted of a criminal
3 offense?

4 A. No.

5 Q. Have you ever been charged or arrested in
6 connection with a criminal offense?

7 MR. DROGIN: Objection. I'm going to
8 direct the witness not to answer the question.

9 MS. SLOAN: This is a -- we're entitled
10 to ask questions about Mr. Harvey's background,
11 but I'll move on.

12 MR. DROGIN: Convictions are one thing;
13 arrests are another.

14 Q. Have you ever been accused of making any false
15 statement?

16 A. No.

17 Q. You're represented by Mr. Laurent Drogin in
18 this proceeding; is that correct?

19 MR. DROGIN: Objection to the form.
20 Counsel have noted their appearances.

21 Q. You can answer the question.

22 A. Yes.

23 Q. You're also represented by Mr. Greg Bennett; is
24 that correct?

25 A. Yes.

1 DANIEL HARVEY

2 Q. Have you been represented by any other attorney
3 in connection with the lawsuit brought by Ms. Robinson
4 against Mr. De Niro and Canal Productions or in the
5 countersuit against Ms. Robinson?

6 A. No.

7 Q. When did you first come to be represented by
8 Mr. Bennett and his firm, Traub Lieberman?

9 A. I'm not sure.

10 Q. When did you first come to be represented by
11 Mr. Drogin and his firm, Tarter Krinsky and Drogin?

12 A. I'm not sure exactly when.

13 Q. Was it in the past week?

14 MR. DROGIN: Objection to the form. He
15 just answered your question that he doesn't
16 know. He doesn't remember.

17 Q. Was it -- so can you -- Mr. Harvey, can you
18 please answer my question. Did you become represented
19 by these law firms in the past week?

20 A. I don't know.

21 Q. You don't remember if you became represented in
22 the last week or previously?

23 MR. DROGIN: Objection to the form.

24 A. That is correct.

25 Q. What have you done to prepare for today's

1 DANIEL HARVEY

2 deposition?

3 A. Briefly spoke to my attorneys about what was
4 happening today, that was about it.

5 Q. Who were the attorneys that you communicated
6 with?

7 A. Greg and Mr. Laurent.

8 Q. Have you spoken to your brother Tom Harvey
9 about this case?

10 A. Excuse me? What was that?

11 Q. Have you spoken to Tom Harvey about this case?

12 A. In general, yes.

13 Q. Have you spoken to Tom Harvey about your
14 deposition today?

15 A. No.

16 Q. Is Tom Harvey your brother?

17 A. Yes.

18 Q. Has Tom Harvey provided you with legal advice
19 about this case?

20 MR. DROGIN: Objection. Can I hear it
21 again? Actually I heard it. You can answer.

22 A. No.

23 Q. Describe for me your conversations with Tom
24 Harvey about this case.

25 MR. DROGIN: Objection calls for an

1 DANIEL HARVEY

2 open-ended narrative. Just to be clear, every
3 single conversation?

4 MS. SLOAN: No speaking objections,
5 Counselor.

6 MR. DROGIN: It's not a speaking
7 objection. It's an objection on the basis that
8 it calls for a narrative, which is not
9 appropriate. It's a proper objection.

10 Q. You can answer the question, Mr. Harvey.

11 MR. DROGIN: Can we hear it back again?

12 (Whereupon, the record was read by the
13 reporter.)

14 MR. DROGIN: Same objection and
15 objection to the form.

16 Q. You can answer the question, Mr. Harvey.

17 A. Just general questions, that you're going to be
18 deposed and the basic premise what everyone knows in the
19 news, that's about it. The general, that I'm going to
20 be deposed, what's going to happen, so-and-so is going
21 to speak to you on behalf of Canal Productions and they
22 are going to represent you.

23 Q. When did these conversations happen?

24 A. I don't know. A few months ago.

25 MR. DROGIN: I instruct the witness not

1 DANIEL HARVEY

2 to guess.

3 Q. On approximately how many occasions have you
4 spoken about this case with Tom Harvey?

5 A. A few, approximately.

6 Q. What does a few mean? You've spoken to more
7 than --

8 A. Repeat the question. Talk about? Be more
9 specific. I don't understand talk about.

10 Q. I'm just asking about times that you have
11 discussed this lawsuit with Tom Harvey. So if you know,
12 is that more than 10 times? Have you spoken with Tom
13 Harvey more than 10 times about this case?

14 MR. DROGIN: Objection to the form.

15 A. I have not. If you're -- yeah. No.

16 Q. Okay. So you've spoken with Tom Harvey about
17 this case less than 10 times; is that correct?

18 A. Yes.

19 Q. When did you speak with your attorneys about
20 this case?

21 A. Maybe a month or two ago. I'm not sure.

22 Q. Have you only spoken to them one time about
23 this case?

24 MR. DROGIN: Objection to the form.

25 A. Once, maybe twice.

1 DANIEL HARVEY

2 Q. How long did you speak with your attorneys
3 about this case?

4 MR. DROGIN: Objection to the form.

5 A. 30 minutes possibly -- I'm not sure.
6 Approximately 30, 45 minutes.

7 Q. Were there any non-attorneys present?

8 A. Not that I know of.

9 Q. And to your knowledge, could anyone overhear
10 your conversation with your attorneys?

11 A. They could not.

12 Q. Have you and Tom Harvey ever communicated about
13 why Canal was filing a lawsuit against Ms. Robinson?

14 A. No.

15 Q. Have you spoken to anyone else about your
16 deposition today?

17 A. No.

18 Q. Have you spoken with Canal employees about your
19 deposition?

20 A. No.

21 Q. Have you spoken with Mr. De Niro about your
22 deposition?

23 A. No.

24 Q. Have you spoken with your family about this
25 deposition?

1 DANIEL HARVEY

2 A. No. Just to be clear, my family knows I'm
3 being deposed. I haven't spoken to them about the case.

4 Q. Okay. Thank you. Did you speak to them about
5 the deposition beyond the fact that you were being
6 deposed?

7 A. No.

8 Q. Have you reviewed any documents in preparation
9 for this testimony?

10 A. No.

11 Q. Have you reviewed the complaint in this case?

12 A. Never seen it.

13 Q. Have you reviewed the answer and the
14 counterclaims in this case?

15 A. Never seen them.

16 Q. Do you have any documents in the room with you
17 today relating to this case?

18 A. None.

19 Q. Please describe your educational history.

20 A. Graduated University of Maryland, liberal arts
21 degree.

22 Q. What year did you graduate from the University
23 of Maryland?

24 A. Spring of 1983.

25 Q. And what degree did you receive from University

1 DANIEL HARVEY

2 of Maryland?

3 A. A bachelor's degree in liberal arts.

4 Q. Was it in a specific subject area?

5 A. It was not.

6 Q. Do you have a graduate degree?

7 A. I do not.

8 Q. Do you have any professional certifications?

9 A. Currently, no.

10 Q. In the past, have you had any professional
11 certifications?

12 A. Yes.

13 Q. What professional certifications have you had
14 in the past?

15 A. Certificate from the Sports Training Institute
16 of New York City.

17 Q. And when did you receive that certificate?

18 A. Approximately 1984, '85.

19 Q. What was involved in getting that certificate?

20 A. Just being trained, educated by sports training
21 institute staff in regards to personal fitness training
22 and nutrition.

23 Q. And when did that certification lapse?

24 A. I'm not sure.

25 Q. You haven't had any certifications since 1984,

1 DANIEL HARVEY

2 1985; is that correct?

3 MR. DROGIN: Objection to the form.

4 Q. Is that correct?

5 A. I may have had one -- I believe I had one in
6 1986 or '87 from the Fitness Institute, it's called
7 IDEA, it's health and fitness association. It's called
8 IDEA, I-D-E-A.

9 Q. And how many hours of education were required
10 to get this certification that you received in 1984 or
11 '85?

12 A. I can't recall.

13 Q. Do you have any degrees or certifications in
14 the field of personal training?

15 A. As I said, not currently.

16 Q. But other than what you've already discussed,
17 you have no degrees or certifications in the field of
18 personal training?

19 A. Correct.

20 Q. Do you have any degrees or certifications in
21 the field of nutrition?

22 A. No.

23 Q. Do you have any degrees or certifications in
24 any field relating to health or wellness?

25 A. No.

1 DANIEL HARVEY

2 Q. Do you have any professional licenses?

3 A. No.

4 Q. So you haven't had any professional
5 certifications in the last 30 years; is that correct?

6 MR. DROGIN: Objection to the form.

7 A. No.

8 MR. DROGIN: Counsel, just I pointed
9 out, it was a double negative. If you hear the
10 question back.

11 Q. Let me rephrase the question. Have you had any
12 professional certifications in the last 30 years?

13 MR. DROGIN: Objection to the form.

14 A. Not that I can recall right now.

15 Q. Who is your current employer?

16 A. Canal Productions.

17 Q. How long have you been employed by Canal
18 Productions?

19 A. So long as it's -- I don't know. Whenever it
20 was formed.

21 Q. And to the best of your recollection, what year
22 was Canal Productions formed?

23 A. I don't remember.

24 Q. Was it in the early '90's? Let me rephrase.

25 Was Canal Productions formed in the early '90's to the

1 DANIEL HARVEY

2 best of your recollection?

3 A. I don't -- I don't have any idea.

4 Q. And how long have you been employed by Mr. De
5 Niro?

6 MR. DROGIN: Objection to the form.

7 A. Since February of 1984, I believe.

8 Q. When you were first hired by Mr. De Niro, did
9 you work for him on a full-time basis?

10 A. No.

11 Q. Do you currently work for Mr. De Niro on a
12 full-time basis?

13 MR. DROGIN: Objection to the form.

14 Are you using Canal and Mr. De Niro
15 interchangeably? If not, you should please
16 separate it out.

17 Q. When I refer to Mr. De Niro, I'm referring to
18 Mr. De Niro and Canal. So -- but I'll clarify. Do you
19 work for Mr. De Niro and Canal Productions on a
20 full-time basis currently?

21 A. I do.

22 Q. And when did you start working for Canal on a
23 full-time basis?

24 A. I can't give you an exact time.

25 Q. Okay. Was it soon after you started working

1 DANIEL HARVEY

2 for Mr. De Niro? Was it in 1984?

3 A. It was not.

4 Q. To the best of your recollection, how many
5 years did you work for Mr. De Niro on a not full-time
6 basis?

7 A. Define full-time basis.

8 Q. What is your understanding -- I mean, as far as
9 you're aware, how long have you worked for Canal on a
10 full-time basis?

11 A. Canal or Mr. De Niro?

12 Q. For Canal or Mr. De Niro. Thank you for
13 clarifying.

14 MR. DROGIN: Hold on. Objection to the
15 form. You asked the witness to tell you if he
16 doesn't understand something.

17 MS. SLOAN: Counselor, he was answering
18 the question. You're now interrupting the
19 witness's answer.

20 A. As far as I'm concerned I've worked for him
21 full-time. If you want to define full-time as working
22 for him on a weekly, yearly basis, I have been working
23 for him full-time since February of 1984. I was with
24 him 330 days out of 365 days a year. That's full -- I
25 was full-time.

1 DANIEL HARVEY

2 Q. So you have worked for Mr. De Niro full-time
3 since he hired you in February of 1984?

4 A. That is correct.

5 Q. Have you continuously worked for Mr. De Niro
6 since you were first hired in February of 1984?

7 A. Repeat the question.

8 Q. Have you continuously worked for Mr. De Niro
9 since you were first hired in February 1984?

10 A. Yes.

11 Q. Since February 1984, have you had any other
12 employment besides working for Mr. De Niro?

13 A. Yes.

14 Q. What other employment have you had since you
15 started your employment with Mr. De Niro?

16 A. What's the time period? Since I started
17 working?

18 Q. Let's start with over the past decade. Over
19 the last decade, have you had any other sources of
20 income besides Mr. De Niro or Canal?

21 A. Repeat that question again.

22 MS. SLOAN: Ms. Court Reporter, can you
23 please read it.

24 (Whereupon, the record was read by the
25 reporter.)

1 DANIEL HARVEY

2 A. Yes.

3 Q. What sources of income have you had over the
4 last decade besides Mr. De Niro or Canal?

5 A. If I recall, possibly some private clients on
6 the side. I'm employed by -- overseeing the gym at the
7 Greenwich Hotel in New York City. Working for some
8 freelance jobs on the side. Nothing -- something like
9 that, possibly. I can't recall.

10 Q. What types of freelance work on the side?

11 A. Designing gyms for people's homes.

12 Q. And over the last decade, has your income from
13 Canal been your primary source of income?

14 A. Yes.

15 Q. Over the last decade, would you say your income
16 from Canal is more than 90 percent of your total income?

17 MR. DROGIN: Objection to the form.

18 A. Yes.

19 Q. What was your job history before you began
20 working for Mr. De Niro?

21 A. I was working as a personal trainer at the
22 Sports Training Institute in New York City.

23 Q. How did you first come to know Mr. De Niro?

24 A. He came to the Sports Training Institute
25 looking for a personal trainer.

1 DANIEL HARVEY

2 Q. And approximately when did you meet Mr. De
3 Niro?

4 A. Very early, 1984.

5 Q. And how did you come to work for Mr. De Niro?

6 A. He interviewed me at the Sports Training
7 Institute and then hired me.

8 Q. Did Mr. De Niro hire you to work for Canal
9 Productions?

10 MR. DROGIN: Can we hear the question
11 read back?

12 Q. Let me clarify. So Mr. De Niro hired you to
13 work for him in 1984, but later on when Canal
14 Productions was formed, did Mr. De Niro hire you to work
15 for Canal?

16 A. No.

17 Q. Who hired you to work for Canal?

18 A. No one hired me to work for Canal.

19 Q. Okay. Earlier you testified that your employer
20 was Canal Productions. Can you clarify what you mean by
21 no one hired you to work for Canal?

22 A. As I understand it -- I guess at some point
23 they hired -- I don't know how it works out, but they
24 um, there was never an official date. I guess when he
25 transferred over, when I was working for him,

1 DANIEL HARVEY

2 transferred over directly -- I'm not sure how it came
3 about.

4 Q. But it was Mr. De Niro's decision to have you
5 work for Canal, correct?

6 A. 100 percent, yes.

7 Q. At any point during your employment at Canal,
8 were you given a formal job title?

9 A. No.

10 Q. So to your knowledge, there aren't any internal
11 Canal documents that identify your job title; is that
12 correct?

13 MR. DROGIN: Objection to the form.

14 Just to be clear, you're going back how many
15 years? You want him to have knowledge of every
16 single document?

17 MS. SLOAN: I'm asking what his
18 knowledge of this is, so you can answer.

19 A. I have no idea.

20 Q. Do you have business cards?

21 A. I have.

22 Q. Is there a job title listed on your business
23 card?

24 A. Personal fitness trainer.

25 Q. Did you create that business card?

1 DANIEL HARVEY

2 A. Yeah, years ago. Yes.

3 Q. So that business card is not issued by Canal;
4 is that correct?

5 A. That's correct.

6 Q. At any point, have you had an employment
7 contract with Mr. De Niro or Canal Productions?

8 A. No.

9 Q. At any point, did you receive any offer letter
10 from Mr. De Niro for Canal Productions?

11 A. No.

12 Q. Have you ever had a title at Canal?

13 A. Not that I know of.

14 Q. Do you have any documentation setting forth
15 your job duties for Mr. De Niro or Canal Productions?

16 A. Not that I know of.

17 Q. Are you aware of any document at all that
18 describes any of the responsibilities that you performed
19 for Mr. De Niro?

20 A. No.

21 Q. To the best of your recollection, what was your
22 salary when you first started working for Mr. De Niro?

23 MR. DROGIN: Objection to the form. It
24 assumes a fact not in evidence.

25 A. Repeat the question, please.

1 DANIEL HARVEY

2 Q. To the best of your recollection, what was your
3 salary when you first started working for Mr. De Niro?

4 MR. DROGIN: Same objection. It
5 assumes he was paid a salary.

6 Q. You can answer the question.

7 A. I was not paid a salary.

8 Q. To the best of your recollection, how was your
9 pay set by Mr. De Niro?

10 A. Per my recollection, per hour or per session.

11 Q. So when you first started working for Mr. De
12 Niro, you were paid hourly or per training session; is
13 that correct?

14 A. To the best of my recollection, yes.

15 Q. How is it decided what your original pay would
16 be for each session?

17 A. I don't recall.

18 Q. And what was your compensation structure when
19 you were first hired by Canal?

20 MR. DROGIN: Objection to the form.

21 You can answer.

22 A. I have no idea.

23 Q. Were you paid on a salary basis when you were
24 first hired by Canal?

25 A. I cannot recall.

1 DANIEL HARVEY

2 Q. Are you currently paid on a salary basis by
3 Canal?

4 A. Yes.

5 Q. Over the past decade, have you been paid on a
6 salary basis every single year?

7 A. I believe, yes.

8 Q. When was the first year that you started to
9 receive a salary from Canal or from Mr. De Niro?

10 A. I cannot recall.

11 MR. DROGIN: Counsel, can we take a
12 five-minute break or so, at a logical breaking
13 point?

14 MS. SLOAN: Yes, that's works for me.

15 MR. DROGIN: We don't have to do it
16 now. We can do it whenever you want.

17 MS. SLOAN: This is a fine time to take
18 a break. So we'll take a break now. How about
19 we come back at 2:05 Eastern time?

20 THE VIDEOGRAPHER: The time is now 1:58
21 p.m. and we are going off the record.

22 (Whereupon, a short break was taken.)

23 THE VIDEOGRAPHER: The time is now 2:07
24 p.m. and we are back on the record.

25 Q. Mr. Harvey, tell me about all forms of

1 DANIEL HARVEY

2 compensation that you received from Canal over the last
3 decade.

4 MR. DROGIN: Objection to the form.

5 Use of the word compensation is ambiguous. You
6 can answer.

7 A. Compensation? Define compensation.

8 Q. You're asking me to define compensation? So
9 any sort of compensation to the best of your knowledge
10 that you've received from Canal over the past 10 years.

11 MR. DROGIN: Objection to the form.

12 You're defining the word compensation by using
13 the word compensation.

14 MS. SLOAN: Yes. His understanding of
15 his compensation over the past 10 years from
16 Canal. That's my question.

17 A. My salary.

18 Q. Other than your salary, have you received any
19 forms of pay or benefits from Canal over the last
20 decade?

21 A. For instance? Give me an example.

22 Q. Did you receive bonuses from Canal over the
23 last 10 years?

24 A. I believe a standard bonus. There was a
25 standard bonus of a birthday, a week's birthday salary,

1 DANIEL HARVEY

2 I believe. And an additional week's salary for your
3 birthdays. I believe as well. For a period of time.
4 I'm not sure if it was the last 10 years, but there was
5 a period in there, yes.

6 Q. So there was a period over the last 10 years
7 where it was typical for you to receive a bonus around
8 your birthday and a bonus around the end of the year, is
9 that correct?

10 A. Yes.

11 Q. Have you received any other bonuses from Canal
12 over the past 10 years?

13 A. Nope. No. Not that I recall.

14 Q. You testified that the birthday bonus was
15 typically a week's salary?

16 A. Yes.

17 Q. And what was the typical end of year bonus?

18 A. Same.

19 Q. Other than salary and bonuses, what other
20 compensation, other forms of pay or benefits have you
21 received from Canal?

22 MR. DROGIN: Objection to the form.

23 A. None that I'm aware.

24 Q. I'm asking you to think of other compensation
25 or benefits that you've received from Canal like medical

1 DANIEL HARVEY

2 benefits or expense reimbursement. So I'll just repeat
3 the question.

4 Other than salary and bonuses, what other forms
5 of pay or benefits have you received from Canal?

6 MR. DROGIN: Objection to the form.

7 You just want to ask him, do you receive
8 medical benefits, do you receive vision
9 benefits, dental benefits, retirement?

10 MS. SLOAN: Counsel, please refrain
11 from --

12 MR. DROGIN: Helping you.

13 A. Apparently I have health insurance through
14 Canal, which I pay a portion of that comes out of my
15 salary, I get benefits for that, but I put into it. I
16 get my travel expenses for work are reimbursed or taken
17 care of. Other than that --

18 Q. Does Canal make any contributions to a
19 retirement account for you?

20 A. They may have at one point, but they do not
21 now. I do not believe that they do now.

22 Q. Other than travel expenses, does Canal pay for
23 any other expenses that you incur?

24 A. Um, sometimes living expenses if I'm working
25 out of town, yes.

1 DANIEL HARVEY

2 Q. What do you mean by living expenses?

3 A. Travel to and from wherever location Mr. De
4 Niro would like to train.

5 Q. Does living expenses become this other type of
6 cost? Does Canal pay for any of your meals?

7 MR. DROGIN: Objection to form. You
8 can answer.

9 A. Yes, sometimes.

10 Q. Are there other types of living expenses that
11 Canal pays for?

12 A. Sometimes housing when I'm on location, yes.

13 Q. What does housing mean? Are you referring to
14 hotels?

15 A. Hotels, yes.

16 Q. Does Canal pay for any other housing besides
17 hotels? I'm just trying to figure out what you mean by
18 housing.

19 A. Yeah, housing. Like a place to -- yeah,
20 hotels. Basically hotels, yes.

21 Q. When you travel from California to New York,
22 does Canal pay for your housing?

23 A. Not always.

24 Q. Sometimes -- does Canal sometimes pay for your
25 housing when you are in New York?

1 DANIEL HARVEY

2 A. Yes.

3 Q. Other than travel, meals and housing, what
4 other living expenses has Canal paid for on your behalf?

5 MR. DROGIN: Objection to the form.

6 A. I'm not aware of any that I can recall right
7 now.

8 Q. And when does Canal pay for your housing in New
9 York?

10 A. It varies. When I'm on a production or when
11 it's necessary for his convenience.

12 Q. For "his" meaning Mr. De Niro?

13 A. Yes.

14 Q. On how many occasions over the past decade has
15 Canal paid for your housing in New York?

16 A. Repeat the question.

17 Q. Over the past decade, on how many occasions
18 approximately has Canal paid for your housing in New
19 York?

20 A. Several maybe, several. I can't recall
21 exactly.

22 Q. More than 10 times?

23 A. I don't know.

24 Q. Over the last five years, on how many occasions
25 has Canal paid for your housing when you're in New York?

1 DANIEL HARVEY

2 Excuse me.

3 A. I couldn't give you an exact number.

4 Q. And where in New York -- excuse me. Let me
5 rephrase. Does Canal pay for a hotel in New York when
6 they pay for your housing?

7 A. Sometimes. I'm not exactly sure who pays it,
8 but yes, somebody pays for it. Sometimes Canal pays,
9 sometimes someone else pays at other times, depending on
10 where it is.

11 Q. Is there a particular hotel that you stay at?

12 A. During what time period?

13 Q. Over the last decade, when Canal is paying for
14 your housing in New York?

15 A. Generally it's the Greenwich Hotel.

16 Q. Okay. Thank you. Over the past 10 years have
17 you charged expenses to any Canal credit card?

18 A. Yes.

19 Q. Over the past 10 years have you been reimbursed
20 by Canal for expenses that you paid for?

21 A. Yes.

22 Q. So just to summarize, over the past decade
23 Canal has paid you a salary, a birthday bonus, an
24 end-of-year holiday bonus, contributed to your health
25 insurance and paid for your travel, and various meals

1 DANIEL HARVEY

2 and housing. Is that --

3 MR. DROGIN: Objection to the form of
4 every one of those questions. Objection.

5 MS. SLOAN: Counsel, please do not
6 interrupt and make speeches.

7 MR. DROGIN: I'm objecting. I'm
8 allowed to object. I'm objecting to the form
9 of question.

10 MS. SLOAN: And your objection is
11 noted.

12 MR. DROGIN: I'm objecting because it's
13 compound, and I'm objecting because it
14 mischaracterizes the witness's testimony. It
15 assumes facts that are not in evidence.

16 Q. Mr. Harvey, can you please answer the question?

17 MR. DROGIN: Hold on, there was one
18 more, and I forgot it now.

19 MS. SLOAN: The objection is noted,
20 Counselor.

21 MR. DROGIN: Give me a second. I'm
22 asking for a minute. I want to place a proper
23 objection. We don't have any stipulations on
24 the record. I'm entitled to lodge all of my
25 objections. Please let me do so. There's no

1 DANIEL HARVEY

2 Federal stipulations here, you didn't propose
3 them, I'm entitled to make my record. I want
4 to preserve the objection.

5 MS. SLOAN: Counsel, please stop making
6 speeches.

7 MR. DROGIN: I'm not making a speech,
8 I'm interacting with you. I'm having a
9 dialogue with you. You've asked a question --
10 oh, asked and answered. Asked and answered.
11 You're summarizing the witness's testimony.
12 It's asked and answered. You have the answers
13 to those questions.

14 MS. SLOAN: Okay, Counsel.

15 Q. Could you please answer the question, Mr.
16 Harvey?

17 THE WITNESS: Repeat the question.

18 MS. SLOAN: Brooke, could you please
19 repeat the question? Thank you.

20 (Whereupon, the record was read by the
21 reporter.)

22 Q. Is that correct?

23 MR. DROGIN: Same objection.

24 MS. SLOAN: We understand your
25 objection, Counsel.

1 DANIEL HARVEY

2 Q. Could you please answer the question, Mr.
3 Harvey?

4 MR. DROGIN: I want to add misleading
5 to it as well. It's a completely inappropriate
6 question, and I'm on the verge of telling him
7 not to answer, but it's such a bad question I
8 will let him answer. Go ahead. Answer to the
9 best of your ability.

10 A. That is not a true statement. You're assuming
11 that I had housing paid for the entire time. That is
12 not the case. It's a really bad question, I have to
13 say. It's just ridiculous.

14 Q. Okay, Mr. Harvey.

15 A. You're putting words in my mouth and it's
16 really ridiculous.

17 Q. Okay. We'll break it down. So over the past
18 decade, Canal has paid you a salary, correct?

19 A. Yes.

20 Q. Over the past decade Canal has paid you a
21 birthday bonus, correct?

22 A. Not the last two years, no.

23 MR. DROGIN: See, that's why I
24 objected.

25 A. So you're assuming all these things and you

1 DANIEL HARVEY

2 asked me six questions. You know what --

3 Q. Mr. Harvey, if you don't understand a question,
4 then I'm happy to clarify.

5 A. And that's why I'm asking you to clarify it.

6 Q. And that's what I'm doing, thank you.

7 So over the past decade you typically have
8 received a holiday end-of-the-year bonus, is that fair?

9 A. Not over the past decade.

10 Q. Have you ever received a holiday bonus over the
11 past decade?

12 A. Yes.

13 Q. From 2013 to 2019 did you typically receive a
14 holiday bonus?

15 MR. DROGIN: Objection to the form.

16 A. I believe so.

17 Q. From 2013 to 2019 did Canal contribute to your
18 health insurance?

19 A. Yes.

20 Q. From 2013 to 2019 did Canal typically pay for
21 your travel?

22 MR. DROGIN: Objection to the form.

23 A. Yes.

24 Q. From 2013 to 2019, did Canal typically pay for
25 various meals that you ate?

1 DANIEL HARVEY

2 MR. DROGIN: Objection to the form.

3 A. No.

4 Q. From 2013 to 2019, did Canal sometimes pay for
5 your meals?

6 MR. DROGIN: Objection to the form. Do
7 you mean while he was working? Objection to
8 the form. Go ahead and answer.

9 A. A small -- I can't -- a portion.

10 Q. From 2013 to 2019, did Canal sometimes pay for
11 your housing?

12 A. Yes.

13 Q. And just to go back, from 2013 to 2019, did
14 Canal typically pay a birthday bonus?

15 MR. DROGIN: Objection to the form.

16 A. Not in 2019.

17 Q. Okay. From 2013 to 2018, did Canal pay a
18 birthday bonus?

19 A. I believe so.

20 Q. What is your current base salary?

21 A. Approximately -- currently approximately --
22 approximately \$187,000 a year.

23 Q. How long has that been your base salary?

24 A. I believe since March 2019.

25 Q. What was your base salary prior to March 2019?

1 DANIEL HARVEY

2 MR. DROGIN: Objection to the form.

3 It's an open-ended question. You may want to
4 break it down into specific time periods -- or
5 not.

6 Q. Before your salary was changed in March 2019,
7 what had your salary been?

8 A. Repeat that question.

9 Q. Your testimony is that your base salary has
10 been \$187,000 since March 2019; that is correct?

11 A. Yes.

12 Q. Before your salary was changed to that amount,
13 what was your salary?

14 A. I believe it was \$375,000 a year.

15 Q. What was your base salary in 2018?

16 A. Excuse me?

17 Q. In 2018 was your base salary \$375,000 a year?

18 A. I'm pretty sure, yes.

19 Q. And what was your base salary in 2017?

20 A. That I'm not 100 percent sure.

21 Q. Okay. Was it less than \$375,000?

22 A. I believe it was less that year, possibly, or
23 the year before, yes.

24 Q. I'm going to run through a few years and you
25 can let me know, to the best of your recollection, if

1 DANIEL HARVEY

2 you remember what your base salary was. In 2016, do you
3 recall what your base salary was?

4 A. No.

5 Q. In 2015, do you remember what your base salary
6 was?

7 A. I have no idea.

8 Q. In 2014, do you remember what your base salary
9 was?

10 A. No.

11 Q. And in 2013, do you remember what your base
12 salary was?

13 A. No.

14 Q. Was there a time when your base salary was
15 \$250,000?

16 A. I believe there was a time period, yes.

17 Q. Do you have an idea of when that was?

18 A. I do not.

19 Q. What bonuses did you receive in 2019?

20 A. I don't believe I received any.

21 Q. Other than the birthday bonuses and the
22 end-of-year bonuses that we discussed, did you receive
23 any bonuses in 2018?

24 MR. DROGIN: Objection to the form.

25 A. Repeat that question again, please.

1 DANIEL HARVEY

2 Q. Other than the birthday bonus and the
3 end-of-year bonus that we previously discussed, did you
4 receive any other bonuses in 2018?

5 MR. DROGIN: Objection to the form.
6 You can answer.

7 A. Not that I know of or recall.

8 Q. What about in 2017?

9 MR. DROGIN: Objection to the form.

10 A. Same.

11 Q. 2016?

12 MR. DROGIN: Same objection.

13 A. Same answer, no.

14 Q. 2015?

15 MR. DROGIN: Same objection.

16 A. No.

17 Q. 2014?

18 MR. DROGIN: Same objection.

19 A. Not that I recall.

20 Q. And 2013?

21 A. Not that I recall.

22 Q. What was the reason that your salary was
23 decreased in 2019?

24 A. The pandemic basically, you know, and -- yes.

25 Q. Your salary decreased in 2019 because of the

1 DANIEL HARVEY

2 pandemic?

3 A. Yes.

4 Q. Which pandemic are you referring to?

5 A. The pandemic that started in 2019.

6 Q. Did somebody tell you that your salary was
7 going to be decreased?

8 A. Yes.

9 Q. Who told you that your salary was going to be
10 decreased?

11 A. Michael Tasch at Berdon Accounting, Bob's
12 accountant, financial advisor told me.

13 Q. The coronavirus pandemic began in 2020 --

14 A. 2020 then. I stand corrected, I'm sorry. I
15 don't know why I said '19. You're right. You're right.
16 2020.

17 Q. So let's just go back to some of your other
18 testimony, then.

19 A. Yeah, I don't know why I -- yeah, 2020, yes.
20 Excuse me. I stand corrected.

21 Q. That's okay. Just to clarify some things on
22 the record, we're just going to go back and talk about
23 some of your salary. You testified that your current
24 base salary is \$187,000; is that correct?

25 A. Yes.

1 DANIEL HARVEY

2 Q. And how long has that been your base salary?

3 A. Since actually -- I stand corrected. Since
4 early March of 2020.

5 Q. So prior to -- directly prior to March 2020,
6 you were making -- how much were you making?

7 A. The 375.

8 Q. So what was your base salary in 2019?

9 A. In 2019, I believe it was the 375. I stand
10 corrected, yes. I apologize.

11 Q. And you testified that you haven't received
12 bonuses in the past two years. What is the reason for
13 that?

14 MR. DROGIN: Objection to the form.

15 A. I don't know. You'd have to ask Canal.

16 Q. Did anyone tell you that you wouldn't be
17 receiving bonuses for the past two years?

18 A. No.

19 Q. So you just didn't see any bonuses come in; is
20 that correct?

21 A. That is correct.

22 Q. Okay. Who has been responsible for setting
23 your pay at Canal?

24 MR. DROGIN: Objection to the form.

25 You can answer it.

1 DANIEL HARVEY

2 A. Who is responsible for setting my pay? I
3 believe Michael Tasch at -- but, yes, that's who I
4 believe.

5 Q. What's the basis for that belief?

6 A. He's Bob's financial advisor. Mr. De Niro's
7 financial advisor.

8 Q. What is Michael Tasch's role with respect to
9 Canal?

10 MR. DROGIN: Objection to the form.

11 You can answer it.

12 A. I don't know. You'd have to ask Michael Tasch.

13 Q. What's your understanding of his role at Canal?

14 A. I don't have an understanding of his role.

15 Q. You've had discussions with Mr. De Niro over
16 the years about your compensation; is that correct?

17 A. Yes.

18 Q. On how many occasions over the past decade have
19 you discussed your compensation with Mr. De Niro?

20 MR. DROGIN: Objection to the form.

21 A. Once or twice.

22 Q. When did those conversations occur?

23 A. One about three years ago, I believe, to the
24 best of my recollection. And maybe the other about 10
25 years ago.

1 DANIEL HARVEY

2 Q. In the conversation about three years ago, what
3 did Mr. De Niro say to you about your compensation?

4 A. He said to call his financial advisors.

5 Q. Why did he tell you to call his financial
6 advisors?

7 A. I don't know. You'll have to ask him.

8 Q. Did you call his financial advisors?

9 A. I did.

10 Q. And what was said in that conversation?

11 A. I asked for some more compensation for my job.

12 Q. Okay. So about three years ago, when you had a
13 conversation with Mr. De Niro, did you ask Mr. De Niro
14 for a raise?

15 A. I do not -- I can't recall.

16 Q. What did you say to Mr. De Niro in your
17 conversation three years ago?

18 A. I can't recall.

19 Q. What was the general topic of the discussion
20 with regards to your compensation in the conversation
21 with Mr. De Niro three years ago?

22 A. The general conversation was that I was 35
23 years into my job and that I have a lot of
24 responsibilities and I felt like I needed a -- to
25 discuss a possible -- to discuss the situation, because

1 DANIEL HARVEY

2 I don't think I was detailed in saying I want a raise.

3 It was just that it was -- there was a lot of years that

4 I already put in.

5 Q. To discuss the situation with regards to your
6 compensation?

7 A. Yes.

8 Q. Okay. What were your job responsibilities when
9 you discussed your compensation with Mr. De Niro?

10 A. Can you repeat the question?

11 Q. Yes. What were your job responsibilities when
12 you discussed your compensation with Mr. De Niro three
13 years ago?

14 A. My responsibilities, did you say? I'm sorry.

15 Q. Yes. You mentioned that you had a lot of
16 responsibilities. So my question is, what were your job
17 responsibilities during the time that you discussed your
18 compensation with Mr. De Niro?

19 A. My job responsibilities were to train him on a
20 -- personally train him physically fitness-wise, six to
21 seven days a week, and get him prepared for his movie
22 projects, which entailed another job, which would be
23 running dialogue with him, six to seven days a week,
24 two, three, four, five, sometimes five hours a day.
25 Working on preparing him for his role, in whatever role

1 DANIEL HARVEY

2 he was doing, in whatever project he was on.

3 Q. What project was he on at that time?

4 A. I have no idea. I can't remember.

5 Q. Did you have any other job responsibilities at
6 that time?

7 A. Most likely, yes.

8 Q. What types of other job responsibilities did
9 you have?

10 A. Depending on the timeframe, it could have been
11 being aware of what scenes would be coming up in a
12 project he'd be working on on a daily and weekly basis,
13 preparing a fitness room on location or a location that
14 we might be headed to, and making sure he's got
15 adequate -- his equipment that we're used to working
16 with, to make sure that he's got equipment at his
17 Montauk house, exercise equipment, making sure he --
18 that I'm aware of what weeks we're shooting the movie,
19 how many weeks we have preparation for the movie,
20 certain things like that, depending on what project we
21 were on.

22 Q. Approximately 10 years ago when you had a
23 conversation with Mr. De Niro, can you tell me what you
24 said to him in that conversation?

25 A. Yes. Basically he wanted to lower my salary

1 DANIEL HARVEY

2 because things were -- it was a slow period for him.

3 And I said I couldn't do it.

4 Q. Did Mr. De Niro lower your salary at that
5 point?

6 A. He did not.

7 Q. And what did you say to Mr. De Niro in response
8 to his suggestion of lowering your salary?

9 A. Repeat the question, please.

10 Q. What did you say to Mr. De Niro during that
11 conversation?

12 A. I said that's not going to work for me.

13 Q. And did you provide any more information about
14 why that wouldn't work for you?

15 A. Yes.

16 Q. What did you say?

17 A. That I have a wife and three kids and a home
18 and -- yes.

19 Q. And what did he respond to you when you
20 mentioned your wife and three kids?

21 A. He said he understood.

22 Q. Did you say anything else in that conversation?

23 A. That's all.

24 Q. Did he say anything else to you in that
25 conversation?

1 DANIEL HARVEY

2 A. Yes.

3 Q. What else did he say to you?

4 A. He said, don't worry about it, I'll have -- at
5 the time Mark Boswick call you who was with Berdon as
6 well as with Michael Tasch.

7 MR. DROGIN: B-O-S-W-I-C-K.

8 Q. After you talked to Mr. De Niro about your
9 family, he decided to keep your salary the same; is
10 that's correct?

11 A. As I recall, yes.

12 Q. And what was your base salary at that time?

13 A. I have no idea.

14 Q. Have there been other times that you've talked
15 to Mr. De Niro about your family?

16 A. In what regard.

17 Q. Generally?

18 A. Sure, yes.

19 Q. Have there been other times that you've talked
20 to Mr. De Niro about your family in relation to your
21 compensation?

22 A. No, I don't believe so.

23 Q. When you discussed your salary with Mr. De Niro
24 approximately three years ago, did you discuss your
25 family in that conversation?

1 DANIEL HARVEY

2 A. No.

3 Q. Just to clarify, did he bring up your family
4 during that conversation?

5 A. No.

6 Q. Okay. So neither of you spoke about your
7 family in that conversation; is that correct?

8 A. That is correct.

9 Q. From 2013 to 2019, was your base salary the
10 same?

11 A. I don't think so.

12 Q. Have you received regular salary reviews during
13 your employment at Canal?

14 A. No.

15 Q. Have you received regular salary increases
16 during your employment at Canal?

17 A. No.

18 Q. Did you receive a raise when your first child
19 was born?

20 A. No.

21 Q. Did you receive a raise when your second child
22 was born?

23 A. No.

24 Q. Over the past decade, approximately how many
25 raises have you received?

1 DANIEL HARVEY

2 A. Possibly two.

3 Q. When did those raises occur?

4 A. I have no idea. One, three or four years ago,
5 I'm not sure, approximately. And then I don't know when
6 before that.

7 Q. So the one three or four years ago, is that in
8 connection with the conversation that you had with Mr.
9 De Niro?

10 A. Which conversation?

11 Q. The one where you discussed your compensation
12 with Mr. De Niro three to four years ago and he directed
13 you to call his financial advisor.

14 A. Yes.

15 Q. So you did receive a raise after that
16 conversation, correct?

17 A. I did, yes.

18 Q. Do you recall when the other raise that
19 occurred over the past 10 years?

20 A. I do not.

21 Q. What, if anything, has Mr. De Niro explained to
22 you about how he sets your salary?

23 A. Nothing.

24 Q. Has Mr. De Niro ever identified to you any
25 factors that go into setting your pay?

1 DANIEL HARVEY

2 A. No.

3 Q. What prompted the salary raise that you
4 received? So you received one around three to four
5 years ago after you spoke to Mr. De Niro. The other
6 salary raise that you received, what prompted that?

7 MR. DROGIN: Objection to the form.

8 You can answer it.

9 A. I don't remember.

10 Q. You didn't approach Mr. De Niro asking for a
11 raise in that instance?

12 MR. DROGIN: Objection to form.

13 A. No.

14 Q. Did Mr. De Niro identify any specific factors
15 that went into his decision to give you a salary
16 increase?

17 A. Repeat the question, please.

18 Q. Did Mr. De Niro identify any specific factors
19 that went into his decision to give you a salary
20 increase?

21 A. No.

22 Q. During your employment, has Canal had any kind
23 of formal system for setting employee compensation?

24 A. Not that I'm aware of.

25 Q. As far as you know, does Canal have any kind of

1 DANIEL HARVEY

2 system for setting your pay?

3 A. I have no idea.

4 Q. As far as you're aware, Canal has not employed
5 any kind of seniority system to set your pay, correct?

6 A. I have no idea.

7 Q. As far as you're aware, Canal has not tied your
8 pay to the number of years you have been employed at
9 Canal, correct?

10 A. Repeat the question.

11 Q. As far as you're aware, Canal has not tied your
12 pay to the number of years you've been employed at
13 Canal, correct?

14 A. I wouldn't say that's correct. That is
15 actually not correct.

16 Q. Could you please explain why that's not
17 correct?

18 A. Because I know personally Mr. De Niro knows how
19 long I have been working for him, and that's why -- he
20 knows at certain points -- I believe that's why I get
21 those raises, because of my loyalty and my tender, you
22 know, my longevity.

23 Q. As far as you're aware, Canal doesn't have a
24 system of pay that ties the number of years that a Canal
25 employee has been employed at Canal?

1 DANIEL HARVEY

2 A. Canal, no, not that I'm aware of.

3 MS. SLOAN: Can we please take a
4 five-minute break. Does that work for
5 everyone? Does that work for you, Counsel?

6 MR. DROGIN: That's fine.

7 MS. SLOAN: We'll come back around
8 2:55.

9 THE VIDEOGRAPHER: The time is now 2:48
10 p.m. and we are going off the record.

11 (Whereupon, a short break was taken.)

12 THE VIDEOGRAPHER: The time is now 2:56
13 p.m. and we're back on the record.

14 Q. Mr. Harvey, during your employment at Canal,
15 you have always reported directly to Mr. De Niro; is
16 that correct?

17 A. Yes. Counsel, can I just backtrack? You said
18 earlier that if I had to readdress something, it was
19 okay?

20 Q. Yes.

21 A. So I just wanted to backtrack with regard to
22 Canal paying for my housing while I was in New York.

23 Q. Okay. In what way would you like to clarify
24 that?

25 A. I would like to really clarify that a little

1 DANIEL HARVEY

2 bit because that is not always necessarily true. Very
3 rarely -- because usually when my housing was covered in
4 New York, it was during a production of a movie, and
5 Canal would be reimbursed for all my -- the standard
6 procedure was the production company, if I was on a
7 movie working with Mr. De Niro, the production company
8 would pay for my housing while I was in New York and
9 Canal would either pay for it directly and get
10 reimbursed or the production company would pay for it.
11 And I would also receive per diem, some of the time,
12 depending on the project, from the production company
13 for my meals. At the majority of the time in the last
14 decade, while in New York, I was living in my mother's
15 house on Long Island for the majority of that time, a
16 good portion of that time, unless I was on a movie
17 project. There was sometimes when I traveled for Mr. De
18 Niro, upstate, where I needed a hotel near his home
19 upstate or if he needed me specifically in New York to
20 be, you know, for a specific reason, then he would pay
21 housing out of his own pocket. But generally speaking,
22 he did not pay for my housing while I was in New York.
23 Q. Okay. Thank you. Over the past decade your
24 primary residence was in California, correct?
25 A. Yes.

1 DANIEL HARVEY

2 Q. I may have follow-up questions about that, for
3 that clarification later, but thank you for providing
4 that.

5 A. Of course.

6 Q. During your employment at Canal you've always
7 reported directly to Mr. De Niro, correct?

8 A. Yes.

9 Q. And during your employment, Mr. De Niro is the
10 person at Canal who directed your job duties, correct?

11 A. Yes.

12 Q. Mr. De Niro is the person you considered to be
13 your boss, correct?

14 A. Yes.

15 Q. During the period from 2013 to 2019, you worked
16 for Mr. De Niro on a full-time basis, correct?

17 MR. DROGIN: Objection. Asked and
18 answered.

19 Q. You can answer.

20 A. Yes.

21 Q. During the period from 2013 to 2019, in a
22 typical week, how many days of the week would you be in
23 contact with Mr. De Niro?

24 A. Seven days a week.

25 Q. Between 2013 and 2019, what was your main

1 DANIEL HARVEY

2 method of communicating with Mr. De Niro?

3 A. Majority of the time directly.

4 Q. Directly meaning in person?

5 A. Phone call, text, majority of the time.

6 Occasional e-mail.

7 Q. So you -- between 2013 and 2019, your primary
8 method of communication was via phone calls or text; is
9 that correct?

10 MR. DROGIN: Objection to the form.

11 Asked and answered. Mischaracterizes the
12 witnesses's testimony, and compound.

13 Q. You can answer.

14 A. That's a long timeframe. 2013 -- sometimes
15 through the office, his office, but the majority of the
16 time, directly. Either he would call me, text, or
17 e-mail directly. Or I saw him in person and he said
18 I'll see you tomorrow, and he gave me the schedule. It
19 varied.

20 Q. I'm sorry. Can you clarify what you just said?

21 A. It's never cut and dry. Of course there was
22 times that it would vary, you know, but for the majority
23 of the time, yes.

24 Q. Okay. From 2013 to 2019, what was your primary
25 method of communicating directly with Mr. De Niro?

1 DANIEL HARVEY

2 MR. DROGIN: Objection.

3 A. I don't know what the primary was. I have no
4 idea. I have no idea.

5 Q. Between 2013 and 2019, on average, how many
6 days a week would you meet with Mr. De Niro in person?

7 A. On average at least six days a week.

8 MR. DROGIN: You really don't want to
9 withdraw this claim, right?

10 THE WITNESS: Excuse me? Its --

11 MR. DROGIN: I wasn't directing my
12 comment to you.

13 THE WITNESS: It's just a vague
14 question.

15 MR. DROGIN: You've answered it.

16 THE WITNESS: Okay. Thank you.

17 Q. Over what period would you meet with Mr. De
18 Niro at least six days a week?

19 MR. DROGIN: Objection to the form.

20 A. What period? What you do mean?

21 Q. On a typical -- most weeks a year between 2013
22 and 2019, would you meet with Mr. De Niro six days a
23 week in person?

24 A. Six to seven. If we were on a project, seven
25 days a week, in the mornings, usually in the morning,

1 DANIEL HARVEY

2 unless he was filming at night and he had to do
3 something differently.

4 Q. If you weren't on location with Mr. De Niro,
5 would you see him six to seven days a week?

6 A. Yes.

7 Q. Where is Mr. De Niro's primary residence?

8 MR. DROGIN: Objection to the form.
9 You're talking about now?

10 Q. Between 2013 and 2019, where was Mr. De Niro's
11 primary residence?

12 MR. DROGIN: Objection to the form. Go
13 ahead.

14 A. New York.

15 Q. I'm sorry. Did you answer?

16 A. I did. New York.

17 Q. I'm sorry, I didn't hear. Thank you. And
18 between 2013 and 2019 your primary residence was in
19 California, correct?

20 A. Yes.

21 Q. So between 2013 and 2019, you were away from
22 your family six or seven days a week to meet with Mr. De
23 Niro in person?

24 MR. DROGIN: Objection to the form.

25 A. Just repeat that question again.

1 DANIEL HARVEY

2 Q. During the period from 2013 to 2019, you were
3 away from your family for six to seven days a week every
4 year to meet with Mr. De Niro in person?

5 MR. DROGIN: Objection to the form.

6 You can answer.

7 A. No.

8 Q. Did your family travel with you?

9 A. Sometimes.

10 Q. On how many occasions between 2013 and 2019 did
11 your family travel with you?

12 MR. DROGIN: Objection. Go ahead.

13 A. Few times a year.

14 Q. So how many -- so during the period from 2013
15 to 2019, how many days a week would you meet with Mr. De
16 Niro in person?

17 MR. DROGIN: Objection. Asked and
18 answered. You can answer it again.

19 A. When he was in New York, five to seven days a
20 week, if he wasn't on a movie. Approximately six days a
21 week, if he wasn't on a project. And I'd have various
22 times off for holidays, if that's what you're getting
23 at. Holidays or whenever he had business out of town, I
24 would go back and see my family.

25 Q. So you -- so you saw your family -- between

1 DANIEL HARVEY

2 2015 and 2019, you saw your family during holidays and
3 when Mr. De Niro went on vacation without you; is that
4 correct?

5 MR. DROGIN: Objection to the form. It
6 assumes facts not in evidence, and misstates
7 the witness's testimony.

8 Q. You can answer.

9 MR. DROGIN: Can I hear the question
10 read back again, please.

11 MS. SLOAN: Brooke, can you read the
12 question back, please.

13 MR. DROGIN: Thanks, Brooke.

14 (Whereupon, the record was read by the
15 reporter.)

16 A. For the most part.

17 Q. And those were the only times that you saw your
18 family between 2013 and 2019?

19 A. No.

20 MR. BENNETT: Just to clarify, the last
21 question was 2015. I'm just clarifying the
22 record. Brooke just read it back, in case you
23 want to go back.

24 MS. SLOAN: Sorry, Counsel, I'm not
25 sure what you're clarifying. The question I

1 DANIEL HARVEY

2 had asked was between 2013 and 2019.

3 MR. DROGIN: And then you said between
4 2015 and '19.

5 MR. BENNETT: What Brooke read back was
6 2015. That's all I'm trying to do is clarify
7 the record.

8 MS. SLOAN: Thank you, Mr. Bennett.
9 Okay, yes. I intended to ask the question
10 about between 2013 and 2019.

11 Q. But regardless, between 2013 and 2019, did all
12 of your meetings with Mr. De Niro take place in a gym?

13 MR. DROGIN: Objection to the form.

14 A. All of our meetings take place in a gym? For
15 work, the majority of them, yes, almost all of them. I
16 worked alone with Mr. De Niro in a gym, whether it was
17 in his home, his house in Montauk, on location or
18 whatever city we were in, his upstate house. I worked
19 with Mr. De Niro in a gym, alone on his dialogue,
20 helping him prepare for his movies, getting him in shape
21 for a movie. That's why I said, I'm a personal trainer
22 who worked with him. He taught me how to run lines with
23 him, so he could memorize his script, prepare for his
24 movies, educated me on how -- educated me personally on
25 how he wanted to prepare for the movies. And I took

1 DANIEL HARVEY

2 that education and I worked for him and I utilized it
3 with him wherever he is. It's just he and I in a gym.
4 Yes.

5 Q. Okay. So between 2013 and 2019, you never met
6 with Mr. De Niro in a place outside of a gym?

7 MR. DROGIN: Objection. That's total
8 and complete mischaracterization of what he
9 said. Why are you doing that?

10 MS. SLOAN: Please do not impede the
11 deposition, Counsel.

12 MR. DROGIN: It's just the opposite.
13 I'm trying to allow it to flow, but you're
14 misstating what the witness said.

15 MS. SLOAN: Counsel, please.

16 Q. Between 2013 and 2019, besides a gym, where
17 were the various places that you would meet with Mr. De
18 Niro?

19 A. Meet to do what? Be more specific.

20 Q. The question is, you know, where were the
21 various places that you would meet with Mr. De Niro?
22 Did you meet with him in places that were not a gym
23 between 2013 and 2019?

24 A. Possibly maybe at a premiere. Yeah, there
25 could be -- yes, I've known him 38 years. I've met him,

1 DANIEL HARVEY

2 family functions, parties, birthday occasionally, yes,
3 there could be -- there's thousands.

4 Q. Mr. Harvey, I'm asking about the period between
5 2013 and 2019.

6 A. Yeah, I could have met him in a hotel lobby, I
7 met him at a place for dinner, we were on location,
8 we're going to eat together. There's a million places I
9 could have met him. This is freaking ridiculous. Come
10 on.

11 Q. Do you have a recollection of places that you
12 did meet Mr. Harvey between 2013 and 2019 other than the
13 gym?

14 MR. DROGIN: Mr. De Niro.

15 MS. SLOAN: Yes, excuse me. Thank you.

16 Q. Did you meet --

17 A. I met him at a restaurant on location.

18 Q. Okay. Did you go -- between 2013 and 2019, did
19 you go to premieres with Mr. De Niro?

20 A. Very, very, rarely.

21 Q. Besides gyms and restaurants, between 2013 and
22 2019, are there other places that you went with Mr. De
23 Niro for any reason in relation to your work?

24 A. In relation to --

25 Q. In relation to your work.

1 DANIEL HARVEY

2 MR. DROGIN: I'm sorry, I just have
3 wine delivery. If you want to take over for
4 me. Just give me a standing objection to every
5 question. I'll be back in two minutes.

6 A. You're going to have to repeat the question,
7 I'm sorry.

8 Q. No problem. Between 2013 and 2019, besides
9 gyms and restaurants, what places would you meet with
10 Mr. De Niro for anything related to your work?

11 A. Anything related to my work? Maybe at a
12 doctor's visit, maybe at -- there's -- maybe at a
13 premiere, if I went to a premiere. I'd very seldom go.
14 Maybe at a family function. It wasn't work related --
15 if it was work-related, it was possibly a doctor's
16 appointment if he had an orthopedic problem that would
17 interfere with his training or needed to look -- a
18 health issue, possibly.

19 Q. Between 2013 and 2019, on average how often
20 would you speak with Mr. De Niro on the phone?

21 A. On average, at most, once a day, if that. At
22 most, once a day.

23 Q. Were there some days that you didn't talk to
24 Mr. De Niro on the phone at all?

25 A. Yes.

1 DANIEL HARVEY

2 Q. What phone numbers did you use to communicate
3 with Mr. De Niro?

4 A. Whatever his iPhone number is.

5 MR. DROGIN: His own or whose?

6 Q. Mr. De Niro's phones, thank you. Did you
7 communicate with Mr. De Niro on a phone ending in [REDACTED]
8 And again, this is Mr. De Niro's phone number.

9 A. I'm sorry. I would have to look that up on my
10 phone and my phone is off.

11 Q. No problem. Do you ever recall communicating
12 with Mr. De Niro on a phone ending in [REDACTED]

13 A. I do remember that number.

14 Q. Between 2013 and 2019, on average, how often
15 would you communicate with Mr. De Niro over e-mail?

16 A. I have no idea.

17 Q. Would you communicate with him once a week over
18 e-mail on average between that time period?

19 A. What was the time period? What was on average
20 weekly, did you say or month?

21 Q. The question was between 2013 and 2019, on
22 average, how often would you communicate with Mr. De
23 Niro over e-mail? You said you didn't know, and so I
24 asked if you communicated with him every week between
25 2013 and 2019 over e-mail?

1 DANIEL HARVEY

2 A. Possibly a couple of times a week, it was just
3 a what time to meet.

4 Q. And between 2013 and 2019, on average, how
5 often would you communicate with Mr. De Niro over text?

6 A. I'm not sure. More than e-mail possibly.

7 Q. At times during the period from 2013 to 2019,
8 did you generally work for Mr. De Niro on weekends?

9 MR. DROGIN: Objection. You can
10 answer.

11 A. I generally worked with him, yes, on weekends
12 too.

13 Q. And how many weekends did you work for Mr. De
14 Niro in a typical year between 2013 and 2019?

15 A. I don't know. A lot. A lot.

16 Q. Does a lot mean more than 50 percent of the
17 weekends you worked for Mr. De Niro?

18 A. I would say probably more than 50 percent,
19 yeah.

20 Q. And was text message Mr. De Niro's main way of
21 communicating in writing?

22 MR. DROGIN: Objection.

23 A. I have no idea. You have to ask him.

24 Q. Was text message Mr. De Niro's main way of
25 communicating to you in writing?

1 DANIEL HARVEY

2 MR. DROGIN: Objection.

3 A. I don't know.

4 Q. Sir, you can answer the question.

5 A. I have no idea.

6 MR. DROGIN: He did.

7 Q. During the period from 2013 to 2019,
8 approximately how many hours would you work for Mr. De
9 Niro in a typical week?

10 A. All relative. Can't answer that question.

11 Q. From 2013 to 2019, what was the minimum number
12 of hours that you would work in a week?

13 MR. DROGIN: Objection. Asked and
14 answered. You can still answer the question.

15 A. All relative. Cannot answer that; I'm sorry.

16 Q. During the period from 2013 to 2019, what was
17 the maximum number of hours that you would work in a
18 week?

19 A. I have no idea.

20 Q. Can you provide me your best estimate?

21 A. I cannot. It's too vague, and I did so many --
22 on a movie -- it's too vague. I can't answer something
23 like that. I'm sorry.

24 Q. Okay. Let's see if we can kind of narrow it
25 down. During the period of 2013 to 2019, approximately

1 DANIEL HARVEY

2 how many hours would you work for Mr. De Niro in a
3 typical week when you were on location with him? You
4 can just provide your best estimate.

5 MR. DROGIN: You want the witness to
6 guess, in other words?

7 A. You know, when I'm on location, I'm -- I
8 consider it working the whole time. I'm away from my
9 family, I'm on location, my life stops. I consider it
10 I'm on call full-time.

11 Q. So when you're away from your family, you
12 consider every minute as a work minute; is that your
13 testimony?

14 MR. DROGIN: Objection. You have his
15 testimony. If you want to hear his testimony,
16 ask her to read back the answer. Why do you do
17 that?

18 Q. You can answer the question.

19 MR. DROGIN: Can you read back his
20 answer, please.

21 (Whereupon, the record was read by the
22 reporter.)

23 THE WITNESS: That's my answer.

24 Q. During the period from 2013 to 2019,
25 approximately how many hours would you work for Mr. De

1 DANIEL HARVEY

2 Niro in a typical week when you were in New York with
3 him.

4 A. 35 hours a week.

5 Q. And during the period from 2013 to 2019
6 approximately how many hours would you work for Mr. De
7 Niro when you were at your home in California?

8 A. That depends.

9 Q. What did it depend on?

10 A. Sometimes he was in California.

11 Q. When he wasn't in California and you were in
12 California, did you sometimes still work for Mr. De
13 Niro?

14 A. Sometimes, yes. If there was some -- yes.

15 Q. And were there weeks at a time when you were in
16 California and Mr. De Niro was not in California between
17 2013 and 2019?

18 A. Possibly, yes.

19 Q. And during those weeks approximately how many
20 hours were you working for Mr. De Niro?

21 A. I couldn't say.

22 Q. Okay. I'll come back to that. Describe for me
23 all of the job duties you performed for Mr. De Niro and
24 Canal during the period from 2013 to 2019?

25 MR. BENNETT: Objection. He explained

1 DANIEL HARVEY

2 his job duties long ago. You're asking him to
3 explain what his duties were over the course of
4 a six-year period of time. He's already
5 answered that question.

6 Q. You can answer.

7 A. I did answer this question. So my duties were
8 to fitness train Mr. De Niro, look over his overall
9 health and conditioning, in his home or wherever he was.
10 Either one of his homes or on location. In addition to,
11 when he was on a project or getting prepared for a
12 project, I would read the script, highlight the script
13 for him, I would highlight every scene that he was in in
14 the script, get the shooting schedule, divide the script
15 up into weeks, days, date every day that he was going to
16 be filming and then I would bring it to him and we'd go
17 over every scene that was coming up, sometimes we'd
18 start two, three, months ahead of a project and we'd
19 work on it for three, four, months straight even before
20 we begin the project. And then I would prepare -- if
21 we're going out of town on location, I would figure out
22 what equipment we needed and where we could rent it or
23 purchase it for a location and make sure he was --
24 everything was equipped upon our arrival so we could
25 continue our work, our fitness training and our running

1 DANIEL HARVEY

2 of the dialogue so he's prepared to film on the set. If
3 he had to lose weight for a specific role, gain weight
4 for a specific role, I would help him with that. Yeah,
5 that's majority of it right there.

6 Q. Okay. Describe to me all of the job duties you
7 performed for Mr. De Niro relating to personal training?

8 A. Design a workout, meeting him at his apartment
9 or fitness facility, usually putting him through a
10 workout session.

11 Q. Describe a typical exercise session with Mr. De
12 Niro during the period from 2013 to 2019?

13 A. Repeat the question.

14 MR. BENNETT: Objection. It's a
15 six-year time period.

16 MR. DROGIN: Can we take two minutes
17 time period. I don't know whether I'm going to
18 laugh or cry right now. But this is so surreal
19 that you guys are maintaining this claim.

20 THE WITNESS: I have to say something,
21 ma'am, I swear, you know what, I worked 38
22 years for this, doing this. I'm 62 years old
23 in March. I don't appreciate this. I worked
24 really hard and you know what, I have better
25 things to do right now than this nonsense,

1 DANIEL HARVEY

2 okay? So you better get it together. Because
3 you know what, I want to be left alone. I
4 didn't bother anybody, I did my job. I don't
5 know why I'm even here.

6 MS. SLOAN: Mr. Harvey, I'm going to
7 just --

8 THE WITNESS: No, you listen to me now.
9 I don't even know why I'm here. This is
10 getting ridiculous. I don't deserve this. Get
11 it together or do something. Let's take a
12 two-minute break. Because this is ridiculous.
13 This is absurd. I have better things to do
14 with my life. Okay? I want to be left alone.
15 This is nonsense. Figure it out, quickly.

16 MR. DROGIN: The witness is asking for
17 a two-minute break. See everybody back in two
18 minutes.

19 THE VIDEOGRAPHER: The time is now 3:24
20 p.m. We are going off the record.

21 (Whereupon, a discussion was held off the
22 record.)

23 THE VIDEOGRAPHER: The time is now 3:29
24 p.m. and we are back on the record.

25 Q. During the period from 2013 to 2019, what was

1 DANIEL HARVEY

2 the typical exercise session with Mr. De Niro like?

3 A. I don't know. We had a few different routines.

4 So all depending on the project and his needs. It

5 wasn't atypical.

6 Q. What types of physical exercises did Mr. De

7 Niro do during the typical exercise session?

8 MR. BENNETT: What time period?

9 MS. SLOAN: Between 2013 and 2019,

10 thank you.

11 A. Pushups, say, bench pressing. Stretching,

12 biking, running, stepper, rows, curls, upright rows, lat

13 pull downs. Is that good enough for you?

14 Q. When Mr. De Niro was stretching, describe for

15 me what you would be doing?

16 A. All depending on what the stretch was.

17 Q. Describe for me generally what you were doing

18 during Mr. De Niro's training sessions?

19 A. Either I was stretching with him to show him

20 how to do it or I was manually stretching the back of

21 his legs, say.

22 Q. Can you walk me through a typical routine with

23 Mr. De Niro when he wasn't working on a film project?

24 MR. DROGIN: No. We're done. We're

25 done.

1 DANIEL HARVEY

2 THE WITNESS: This is absurd.

3 MR. DROGIN: Stop, stop, stop. Let me
4 put the objection on the record. No, I'm
5 directing the witness not to answer. If you'd
6 like to call the Judge, we can. Moreover, I
7 want an expedited copy of the transcript,
8 because this and the video is going to the
9 Court with a Rule 11 motion.

10 Guys, you have 24 hours to withdraw
11 this claim. This is the biggest fraud on the
12 court that I've seen in 32 years of practice.
13 You have 24 hours to withdraw this claim. He's
14 not answering that question. Go to the Judge.
15 We'll get on the phone with the Judge right now
16 and you explain how your client has anything to
17 do with an exercise routine with his personal
18 trainer. This is fraud. The Judge called you
19 out on it in the first conference, and it's
20 time. The chickens are home, and they're
21 roosting and we're going to fry them now.
22 We're not talking about his exercise routine.
23 We're talking about duties and
24 responsibilities.

25 MS. SLOAN: Counsel, you're impeding

1 DANIEL HARVEY

2 the deposition.

3 MR. DROGIN: You're right. I am. I'm
4 impeding it. I'm saving us. I am saving us.
5 I am your savior.

6 MS. SLOAN: Are you directing the
7 witness to not answer the question?

8 MR. DROGIN: I have already directed
9 the witness not to answer the question. I have
10 offered to get the Judge on the phone so you
11 can explain to the court what this has to do
12 with your client's equal pay claim. Because if
13 you have to go this far, there is something
14 materially wrong.

15 MS. SLOAN: Counsel, please stop.

16 MR. DROGIN: Yes, ma'am, I'll stop. Do
17 you want to call the Judge or do you want to
18 move onto another line of questioning?

19 MS. SLOAN: I'm going to move onto the
20 next question.

21 MR. DROGIN: Thank you.

22 Q. Mr. Harvey during the period of 2013 to 2019,
23 how many minutes on average was an exercise session with
24 Mr. De Niro?

25 A. Three hours on average, possibly.

1 DANIEL HARVEY

2 Q. Did Mr. De Niro sometimes work out by himself
3 without you present?

4 MR. DROGIN: Objection to the form.
5 Use your Jedi mind tricks to answer that
6 question.

7 MS. SLOAN: Let me just clarify that
8 I'm talking about the years between 2013 and
9 2019.

10 MR. DROGIN: So limited. Use your
11 clairvoyant powers to answer that question.
12 How can he possibly answer that question?

13 Q. Please answer the question, Mr. Harvey.

14 A. You'd have to ask him.

15 Q. To your knowledge, did Mr. De Niro sometimes
16 work out by himself during the period of 2013 to 2019?

17 A. Possibly.

18 Q. To your knowledge, how often did Mr. De Niro
19 work out without you present during the period 2013 to
20 2019?

21 A. I have no idea. You can ask him that.

22 Q. You weren't involved with his exercising when
23 you weren't present physically with him; is that
24 correct?

25 MR. BENNETT: Objection.

1 DANIEL HARVEY

2 MR. DROGIN: Objection to the form.

3 Double objection to the form.

4 Q. Please answer the question, Mr. Harvey.

5 A. You couldn't say I wasn't involved. I wouldn't
6 say that.

7 Q. In what ways were you involved with Mr. De
8 Niro's exercising when you weren't physically present
9 with him during the period of 2013 to 2019?

10 MR. DROGIN: Objection.

11 Mischaracterizes the witness's testimony.

12 A. I taught him the routine, and sometimes he
13 would ask me what he should do and I would convey that
14 and he would convey back to me what he did.

15 Q. During 2013 to 2019, how many hours a week
16 would you spend with Mr. De Niro when he was exercising?

17 A. Didn't I just answer this question?

18 MR. BENNETT: He answered that.

19 Q. So to summarize, from 2013 to 2019, Mr. De Niro
20 would work out --

21 MR. DROGIN: Objection. Direct the
22 witness not to answer. I'm directing him not
23 to answer. You're not going to encapsulate and
24 summarize his testimony. You have it. You
25 don't need to summarize it. You're not going

1 DANIEL HARVEY

2 to botch it by putting together a summary of
3 what you think he said. You have it on the
4 record, you have it on video. This is
5 improper. We don't need a summary.

6 MS. SLOAN: Counsel, stop.

7 Q. Have you documented in writing any of the
8 exercise routines that you've prepared in relation to
9 exercise sessions with Mr. De Niro?

10 MR. BENNETT: Same time period?

11 MS. SLOAN: Yes, thank you. Same time
12 period of 2013 to 2019.

13 A. Yes, I have at times, yes.

14 Q. Did you provide these documents to Mr. De Niro?

15 A. Yes.

16 Q. Did you e-mail them to Mr. De Niro?

17 A. No. Listen, I've been working with him for 38
18 years, you understand that? So --

19 MR. DROGIN: Excuse me, excuse me.
20 You're here to answer questions, not make
21 speeches.

22 MR. BENNETT: There's no pending
23 question.

24 THE WITNESS: This is ridiculous.

25 MR. DROGIN: Just the sooner the

1 DANIEL HARVEY

2 better. Just let her ask questions.

3 THE WITNESS: Sorry.

4 Q. That's okay. You did not travel with Mr. De
5 Niro every time he was traveling outside of New York; is
6 that correct?

7 A. That's correct.

8 Q. And during the period from 2013 to 2019 when
9 Mr. De Niro traveled without you, he wouldn't meet you
10 for exercise sessions; is that correct?

11 MR. DROGIN: Objection to the form.

12 A. Can you repeat the question, please?

13 Q. During the period from 2013 to 2019, when Mr.
14 De Niro traveled without you, he wouldn't meet you for
15 any exercise sessions, correct?

16 MR. DROGIN: Objection to the form.

17 MR. BENNETT: Objection.

18 MR. DROGIN: I think only one of us
19 should object.

20 MR. BENNETT: That's fine.

21 MR. DROGIN: Are you accounting for the
22 possibility that they traveled separately and
23 then met at the destination because maybe they
24 took different flights?

25 MS. SLOAN: Counsel, stop. I'm asking

1 DANIEL HARVEY

2 Mr. Harvey to answer the question as he
3 understands it.

4 MR. DROGIN: I'm just pointing out the
5 fallacy of the question.

6 A. I don't understand the question, to tell you
7 the truth.

8 Q. For most of the period from 2013 to 2019, Mr.
9 De Niro was in his 70's, correct?

10 A. Mr. De Niro was where? I'm sorry.

11 Q. In his 70's, is that correct?

12 A. What time period?

13 Q. The period of 2013 to 2019.

14 A. I believe that's correct.

15 MR. DROGIN: You can propose -- do you
16 want to propose a stipulation?

17 Q. During your employment for Mr. De Niro, as Mr.
18 De Niro got older, did the frequency of your personal
19 training sessions with Mr. De Niro decrease?

20 A. No.

21 Q. As Mr. De Niro got older, did the amount of
22 time you spent exercising with him decrease?

23 A. No.

24 Q. As Mr. De Niro got older, did the intensity of
25 Mr. De Niro's workouts decrease?

1 DANIEL HARVEY

2 MR. DROGIN: Objection to the form.

3 A. I can't say that -- I can't answer that yes or
4 no.

5 Q. How would you describe Mr. De Niro's health
6 during the period from 2013 to 2019?

7 MR. DROGIN: Objection to the form.

8 A. Good.

9 Q. Did Mr. De Niro have any health problems during
10 the period from 2013 to 2019?

11 MR. DROGIN: Objection to the form.

12 A. [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

14 Q. Tell me every health condition that you do
15 recall Mr. De Niro experiencing over the time period
16 from 2013 to 2019.

17 MR. DROGIN: I'm going to object and
18 direct the witness not to answer. You can ask
19 Mr. De Niro. You don't need to ask Mr. Harvey
20 about his knowledge of another human being's
21 health condition. Ask Mr. De Niro, he would
22 know.

23 MS. SLOAN: I'm going to ask another
24 question, Counsel.

25 MR. DROGIN: Great. Okay.

1 DANIEL HARVEY

2 Q. Over the past decade did Mr. De Niro have any
3 health problems that limited how much exercise he could
4 perform?

5 A. [REDACTED]

6 Q. Would you and Mr. De Niro watch TV during your
7 exercise sessions?

8 MR. DROGIN: Objection to the form.

9 A. The TV was on. The TV was on. I don't know if
10 we were watching it. We were working.

11 MR. DROGIN: Please ask if they watched
12 Netflix. Please ask if they watched Netflix.

13 Q. Between 2013 and 2019, would you chat with Mr.
14 De Niro during exercise sessions with him?

15 A. I would talk to him, yes.

16 Q. Would you talk with him about the TV show that
17 was on?

18 A. Sporadically -- there was always news on and --
19 sporadically about the news that was possibly
20 highlighted on, yes.

21 Q. Between -- sorry. Did you have more to say?

22 A. That's all. There was nothing -- the TV was
23 on, it was on a news station.

24 Q. But the TV was always on while you were working
25 out?

1 DANIEL HARVEY

2 A. Not always, but the majority of the time, it
3 was on the news station. He liked to have the news in
4 case there was any breaking news when he was training.
5 That's what he liked to do.

6 Q. What other topics would you and Mr. De Niro
7 generally talk about during exercise sessions?

8 A. Generally we were pretty busy. So the majority
9 of the time -- and I would say the majority of the time,
10 we would get right down to business. He's a serious guy
11 whose got a lot of responsibilities and a lot of
12 pressure on him, and I'd walk in, and literally he would
13 start doing the dialogue as he walked in the door.
14 Wouldn't give me a second to breathe. If I was there
15 ahead of him -- I was always there ahead of him waiting,
16 and he would walk in the door and he would start the
17 first scene that he had memorized and he would start his
18 dialogue and I would kick it right in. And if I didn't
19 have the pages ready to go, he would be annoyed. And we
20 would work every minute as fast as I could turn those
21 pages, he wanted to do the next scene, the next day's
22 scene, the next week's scene. And it was nonstop,
23 sometimes for three, four hours where I couldn't even go
24 to the bathroom. So we were working. And it was
25 nonstop. It wasn't a lot of chitchat, so I'll just be

1 DANIEL HARVEY

2 clear about that.

3 Q. What were you physically doing during the
4 exercise sessions?

5 A. Well, when I was holding the script, when he
6 was exercising -- we'd do our exercise routine and when
7 I needed to spot him or engage with him physically, I
8 would do that, put the script down or the pages that I
9 was holding down, spot him or protect him from --
10 correct his exercise routine. And then as soon as he
11 was done, I would pick up the pages, he'd get on the
12 treadmill, we'd do like a cross-training and he would go
13 right back to the dialogue. Sometimes he would do it
14 almost immediately after his last repetition, and that's
15 how fanatical he was about getting as much out of our
16 time as possible. It was very intense, to say the
17 least, and it still is.

18 Q. During the period from 2013 to 2019, personal
19 training wasn't the only job responsibility you had for
20 Mr. De Niro, correct?

21 MR. DROGIN: Objection. Have you been
22 listening? I mean, is that a real question?
23 Go off script. He just told you what he's been
24 doing.

25 Q. Please answer the question, Mr. Harvey.

1 DANIEL HARVEY

2 A. Please repeat that.

3 Q. It was a yes-or-no question. During the period
4 from 2013 to 2019, personal training wasn't the only job
5 responsibility you had for Mr. De Niro, correct?

6 A. Correct.

7 Q. Besides what you've already discussed, what job
8 responsibilities did you have for Mr. De Niro when he
9 was filming?

10 A. I thought we went over this. I'll repeat it
11 again.

12 Q. Mr. Harvey, my question is besides what we've
13 already discussed, are there other job responsibilities
14 that you had for Mr. De Niro when he was filming?

15 A. Besides what I've already told you about the
16 dialogue and the preparing the scenes and that; is that
17 the question?

18 Q. Yes, that's the question. But why don't you
19 describe for me a typical workday for Mr. De Niro when
20 Mr. De Niro was filming?

21 A. Typical workday, maybe getting up at typically
22 about 3:00, 3:15 in the morning. Meeting him at 4:00,
23 4:15 and working till six say is pickup, which would be
24 6:45, 7:00 in the morning, and working on the dialogue
25 and our exercise routine.

1 DANIEL HARVEY

2 Q. For how many hours would you do that?

3 MR. DROGIN: Objection. Asked and
4 answered.

5 Q. Please answer the question.

6 A. Approximately four hours.

7 Q. So when that ended, what did you do?

8 A. It all depends. Sometimes I would go to the
9 movie set and sometimes I would stay at the hotel where
10 we were.

11 Q. And if you went to the movie set, what would
12 you do on set?

13 A. I would see if he needed anything. Otherwise,
14 I would basically listen to dialogue, to get some idea
15 where the project was going.

16 Q. And what are types of things that Mr. De Niro
17 would need from you?

18 A. Oh, nothing in particular. Maybe some pages
19 that we left at the hotel or get the rewrites that were
20 at set that the writers rewrote and highlight them and
21 add them to our script. Get the new shooting schedule.
22 Get the next day's call pickup time, general stuff.

23 Q. And if you went back to the hotel, what would
24 you do for Mr. De Niro?

25 A. Nothing in particular. Some days he'd need me

1 DANIEL HARVEY

2 to do something. Majority of the time I didn't have to.

3 Q. Okay. So he might need you to do something
4 similar to what you just described?

5 A. Yes. Yes.

6 Q. Are there any other work assignments that Mr.
7 De Niro would give you when you were on set?

8 MR. DROGIN: Objection to the form.
9 You can answer.

10 A. Not that I can recall right now.

11 Q. Can you now please describe for me a typical
12 workday for you when Mr. De Niro was not filming?

13 MR. DROGIN: Objection to the form.

14 A. When he's not filming, meet him at the location
15 of his preference, get ready for the workout, work him
16 out, work on the dialogue, whatever he was preparing
17 for. Just because we weren't -- the majority of the
18 time he's got something in the works, so we're
19 preparing. So I'd have a script, like I do now, I have
20 a script that we're preparing for. And so we'd spend a
21 few hours working on it.

22 Q. There were sometimes when Mr. De Niro wasn't
23 preparing for a film; is that correct?

24 A. Yes, that's correct. Of course.

25 Q. During the period from 2013 to 2019, how many

1 DANIEL HARVEY

2 weeks on year per average would you say that Mr. De Niro
3 was not filming or preparing for a film?

4 A. Every year is different. It's hard to say.

5 Q. How about 2019, if you can recall?

6 A. It's going to be hard for me to recall, sorry.

7 Q. During the period from 2013 to 2019, would you
8 run errands for Mr. De Niro?

9 A. No.

10 Q. You never ran errands for Mr. De Niro from 2013
11 to 2019?

12 MR. DROGIN: Objection to the form.

13 Asked and answered. Please define errands.

14 Q. Please answer my question, Mr. Harvey.

15 A. First of all, I never said never. I may have
16 run a couple of errands here and there, but very, very,
17 very rarely, I could tell you that. No, I would say on
18 -- what's an errand -- no, I didn't run errands for Mr.
19 De Niro. I did not.

20 Q. So I'm just going to re-ask the question.
21 During the period from 2013 to 2019, you never ran
22 errands for Mr. De Niro?

23 MR. DROGIN: Objection to the form.

24 Asked and answered. And he already told you,
25 no, the answer is not correct. How do you

1 DANIEL HARVEY

2 start a question with, I'm going to ask you the
3 question again?

4 Q. Mr. Harvey, can you please answer my question.

5 A. Occasionally over the last six -- occasionally
6 from 2013 to 2019, I may have occasionally run an errand
7 for him, probably a couple in that timeframe. It wasn't
8 my job. He may occasion -- I can't remember. I can't
9 say never, because it's possible he asked me to run an
10 errand a couple of times. It's a long period.

11 Q. What types of errands do you recall him asking
12 you to run during that period?

13 A. Define errands, please.

14 Q. Would you pick up coffee for Mr. De Niro
15 between 2013 and 2019?

16 A. I can honestly say I don't think I ever picked
17 up a coffee for him.

18 Q. Would you bring Mr. De Niro newspapers during
19 the period of 2013 to 2019?

20 A. Occasionally, possibly. I can't remember.
21 Occasionally, I would probably bring him a newspaper if
22 we're on location or something, yes.

23 Q. Would you buy food for Mr. De Niro during the
24 period from 2013 to 2019?

25 A. Yes; if we were on location, sometimes, yes, I

1 DANIEL HARVEY

2 would buy him food.

3 Q. Would you buy him groceries between 2013 and
4 2019?

5 A. Possibly if it was needed on location.

6 Q. During the period from 2013 to 2019, did you
7 perform work with respect to Mr. De Niro's apartment?

8 A. I don't believe so.

9 MR. DROGIN: Just define apartment,
10 what you're talking about.

11 Q. Mr. De Niro's residence between 2013 and 2019.
12 Did you set up the gym at Mr. De Niro's apartment on

13 [REDACTED]

14 MR. DROGIN: Just for clarification,
15 that's not an apartment. That's I think the
16 confusion. If you're referring to [REDACTED] we all
17 know what you're talking about.

18 A. Repeat specifically the question again. I'm
19 sorry.

20 Q. Well I'll go back to my original question which
21 was during the period of 2013 to 2019, did you perform
22 work with respect to Mr. De Niro's place of residence?

23 A. Me personally, no.

24 Q. Were you involved at all with the work that was
25 being done with respect to Mr. De Niro's place of

1 DANIEL HARVEY

2 residence?

3 A. Yes.

4 Q. In what ways were you involved?

5 A. I ordered the fitness equipment that he
6 required or of his wishes, and I had a company install
7 it.

8 Q. Did you do anything else? Were you involved in
9 any other way?

10 A. Directing where I wanted it.

11 Q. Did you lay out the furniture in Mr. De Niro's
12 place of residence?

13 A. I did not.

14 Q. Did you direct how the furniture should be laid
15 out?

16 A. I did not.

17 Q. During the period from 2013 to 2019, would you
18 attend meetings with Mr. De Niro?

19 A. Possibly a few times.

20 Q. What types of meetings would you attend with
21 Mr. De Niro during the period of 2013 to 2019?

22 A. I remember a meeting with maybe a politician or
23 two in his office, just maybe some friends. Just --
24 yeah, that's all can I recall.

25 Q. Would you attend meetings with Mr. De Niro at

1 DANIEL HARVEY

2 least a couple of times a year?

3 MR. DROGIN: Objection to the form.

4 A. I'd have to say no.

5 Q. During the period from 2013 to 2019, would you
6 attend events with Mr. De Niro?

7 A. I think I went over this. Occasionally.

8 Q. Occasionally premieres; is that what you're
9 referring to?

10 A. Yeah, we went through that, right? I rarely
11 did it. I've been doing this a long time. I rarely do
12 it. If it was necessary or I felt like I wanted to see
13 something, I would go.

14 Q. During the period from 2013 to 2019, would you
15 arrange meetings or appointments for Mr. De Niro?

16 A. I'm sure there was some in there, yeah.

17 Q. What types of meetings did you arrange for Mr.
18 De Niro between 2013 and 2019?

19 A. Possibly to meet a doctor or meet a friend that
20 I thought might have a project that he might be
21 interested in. Random stuff.

22 Q. How often would you arrange meetings or
23 appointments for Mr. De Niro?

24 A. Not very often. Not very often. Rarely.

25 MR. DROGIN: I need to jump onto a

1 DANIEL HARVEY

2 court conference. I should be back. I don't
3 know how much longer, Annie, you think you
4 have.

5 MS. SLOAN: How much record time has
6 there been? I have at least another hour.

7 MR. DROGIN: All right. Let me make a
8 suggestion: If we could just take a 20-minute
9 break. I'll try to join in 20 minutes. And if
10 not, just proceed without me. It's an
11 evidentiary issue I've got to resolve. Is that
12 okay? I've got to jump -- I'll be back.

13 THE VIDEOGRAPHER: So are we going off
14 the record?

15 MR. BENNETT: To the extent that,
16 Annie, you're willing to wait for 20 minutes,
17 I'd prefer that my Co-Counsel be on the line
18 when we're conducting the questioning. If
19 that's an issue, we can talk it through. But
20 that would be my preference, with respect.

21 MS. SLOAN: That's fine with me.

22 MR. BENNETT: I certainly
23 acknowledge --

24 MS. SLOAN: I'd like to confer with the
25 other attorneys at Sanford Heisler before --

1 DANIEL HARVEY

2 MR. BENNETT: Yeah, that's totally
3 fine. I think what Laurent suggested was that
4 we just defer until 4:20, and if he's not back
5 on, we'll just resume then. But again, I'll
6 wait to hear back from you.

7 MS. SLOAN: Okay. That's fine. 4:20
8 is fine. Thanks very much.

9 MR. BENNETT: Thank you very much.

10 THE VIDEOGRAPHER: The time is 4:00
11 p.m. we're going off the record.

12 (Whereupon, a short break was taken.)

13 THE VIDEOGRAPHER: The time is now 4:21
14 p.m. and we're back on the record.

15 Q. Mr. Harvey, during your employment at Canal,
16 have you had reason to work with Ms. Chase Robinson?

17 A. Repeat the question, please.

18 Q. During your employment at Canal, have you had
19 reason to work with Ms. Chase Robinson?

20 A. What do you mean reason?

21 Q. Okay. I'll rephrase the question for you.

22 During your employment at Canal, have you worked with
23 Ms. Robinson?

24 A. I don't understand that. Work with. With on
25 what?

1 DANIEL HARVEY

2 Q. Are there any aspects of your work for Mr. De
3 Niro with which you worked with Ms. Robinson?

4 A. We had some interactions. I didn't work with
5 her.

6 Q. What were those interactions like? What were
7 those interactions about?

8 MR. BENNETT: Objection. You can
9 answer.

10 A. General stuff. Travel, time periods of travel,
11 location, places we have to be, travel plans, itinerary
12 stuff.

13 Q. Did you coordinate with Ms. Robinson to assist
14 Mr. De Niro regarding his health?

15 A. No.

16 Q. Did you and Ms. Robinson communicate with the
17 same doctors about Mr. De Niro's health?

18 MR. BENNETT: Objection. You can
19 answer.

20 A. I don't know.

21 Q. Did you and Ms. Robinson communicate with each
22 other about Mr. De Niro's health?

23 A. Not about his health. Maybe an appointment.

24 Q. A medical appointment?

25 A. Yes.

1 DANIEL HARVEY

2 Q. You mentioned that you interacted with Ms.
3 Robinson about travel. What types of travel did you
4 interact with her about?

5 A. Airline travel, car service travel, location
6 travel.

7 Q. You coordinated with Ms. Robinson about the
8 hotels that you and Mr. De Niro stayed in on location
9 for films; is that correct?

10 A. Coordinated? I -- about time -- coordinate, I
11 don't understand the question.

12 Q. Did you communicate with Ms. Robinson about the
13 hotels that you and Mr. De Niro stayed in on location
14 for films?

15 A. He coordinated it with her and then they would
16 let me know. Chase Robinson or Mr. De Niro would let me
17 know which hotels he preferred.

18 Q. Did you work with Ms. Robinson to arrange Mr.
19 De Niro's travel?

20 MR. BENNETT: Objection. You can
21 answer.

22 A. No.

23 Q. Did you work with Ms. Robinson to arrange any
24 of the hotels that you stayed at -- that you or Mr. De
25 Niro stayed at on location?

1 DANIEL HARVEY

2 MR. BENNETT: Objection. You can
3 answer.

4 A. I don't know what you mean, did I work with.
5 What do you mean work with?

6 Q. Did you communicate with Ms. Robinson about
7 these things and work with her on them? If you don't
8 know -- I'm just asking as far as you're aware, did you
9 work with Ms. Robinson to arrange the hotels?

10 MR. BENNETT: Objection. You can
11 answer.

12 A. I can't answer. I don't understand what you
13 mean by work with her. I didn't have -- I was -- Mr. De
14 Niro worked with her and I went along.

15 Q. Ms. Robinson was one of your colleagues,
16 correct?

17 MR. BENNETT: Objection to the form.

18 A. She was not one of my colleagues.

19 Q. Ms. Robinson worked for Canal; is that correct?

20 A. Yes.

21 Q. You also worked for Canal; is that correct?

22 A. Yes.

23 Q. So both of you were employees of Canal at the
24 same time period, correct?

25 A. Yes.

1 DANIEL HARVEY

2 MR. DROGIN: Objection to the form.

3 You know that's not true. So it's a misleading
4 question.

5 Q. Did you both work together to support Mr. De
6 Niro?

7 MR. DROGIN: Objection to the form.

8 A. I don't know -- I can't tell you what she did
9 for -- how she supported him. You'd have to ask her.

10 Q. During the period from 2013 to 2019, would you
11 use a Canal credit card to pay for various expenses?

12 A. I don't know if it was that time. I don't know
13 the time period. I don't know.

14 Q. In 2015 did Canal issue a credit card to you
15 under your name?

16 A. I'm not sure.

17 Q. At some point in the past decade, did Canal
18 issue a credit card to you under your name?

19 A. Yes.

20 Q. Prior to obtaining a Canal American Express
21 card in your name, would you charge expenses to a Canal
22 American Express in someone else's name?

23 MR. DROGIN: Objection to the form.

24 A. No, I don't believe so.

25 Q. Okay. So prior to receiving a credit card in

1 DANIEL HARVEY

2 your name, did you ever make charges using a Canal
3 American Express?

4 A. Not that I'm aware of.

5 Q. So the first time that you charged things to a
6 Canal American Express was when you received one in your
7 name; is that what you're saying?

8 MR. BENNETT: Objection to the form.

9 A. To the best of my knowledge.

10 Q. To your knowledge, did Canal have a policy that
11 specified what expenses employees could charge to a
12 Canal credit card?

13 A. I have no idea.

14 Q. To your knowledge, did Canal have a policy that
15 specified what expenses you could charge to a Canal
16 credit card?

17 A. I have no idea.

18 Q. What was your understanding of what types of
19 expenses could be charged by a Canal employee to a Canal
20 credit card?

21 A. I do not know.

22 Q. Did you and Mr. De Niro ever communicate about
23 what types of expenses you could charge to Canal?

24 A. No.

25 Q. How did you know what expenses you were allowed

1 DANIEL HARVEY

2 to charge on a Canal credit card?

3 MR. BENNETT: Objection to the form.

4 A. Work-related or I would ask.

5 Q. How do you define work-related?

6 A. I don't know. You define it. You tell me.

7 Q. Mr. Harvey, you said that you would use the
8 card -- you knew that you could charge the card if the
9 item was work-related. So I'm just trying to clarify,
10 what you mean by work-related, so --

11 A. Travel, business travel, hotel stays.

12 Q. You said that if you didn't know, you would
13 ask. Who would you ask?

14 A. I would ask his financial advisor.

15 Q. And who is that? You're referring to a
16 specific individual?

17 A. Either -- mostly Michael Tasch.

18 Q. Have you ever spoken to Mr. De Niro about what
19 you could charge to the Canal credit card?

20 MR. DROGIN: Objection to the form.

21 You're talking about a general policy or you're
22 talking about a specific instance? I'm just
23 not clear.

24 Q. Okay. Please answer the question, Mr. Harvey.

25 A. Can you repeat the question, please.

1 DANIEL HARVEY

2 MS. SLOAN: Brooke, could you please
3 read back the question.

4 (Whereupon, the record was read by the
5 reporter.)

6 MR. DROGIN: Objection to the form.

7 THE WITNESS: I can't remember.

8 Q. Mr. De Niro did not specifically approve every
9 charge that you made on a Canal credit card; is that
10 correct?

11 MR. DROGIN: Objection to the form.

12 A. The question again? I'm sorry.

13 Q. Mr. De Niro did not specifically approve of
14 every charge that you made on a Canal credit card; is
15 that correct?

16 A. Yes.

17 Q. Since getting a Canal credit card in your name,
18 on how many occasions have you made charges to the
19 credit card?

20 A. I have no idea. All depends.

21 Q. Do you typically make charges on the Canal
22 credit card at least once a week or between 2015 and
23 2019, did you typically make charges on a Canal credit
24 card at least once a week?

25 A. I don't remember.

1 DANIEL HARVEY

2 Q. Did you ever use the Canal American Express
3 without clearing the expense with Mr. De Niro first?

4 A. Yes.

5 Q. Was it your regular practice to make charges on
6 the Canal American Express without clearing it with Mr.
7 De Niro first?

8 A. I told you, I cleared it with his financial
9 advisor, Michael Tasch.

10 Q. Okay. But not with Mr. De Niro?

11 A. No.

12 Q. And so would you clear it with Mr. -- every
13 charge that you spent on a Canal credit card with Mr.
14 Tasch?

15 A. No.

16 Q. How often would you clear a -- did you have a
17 practice of providing your credit card receipts to
18 anyone at Canal?

19 A. No.

20 Q. Is there a general type of expense that you
21 would charge to a Canal credit card without discussing
22 it with Mr. Tasch?

23 A. Repeat the question, please.

24 Q. Was there a specific type of expense that you
25 would charge to a Canal credit card without discussing

1 DANIEL HARVEY

2 it with Mr. Tasch?

3 A. Yes.

4 Q. What was that specific type of expense?

5 A. Travel expense or hotel expense possibly.

6 Q. Between 2013 and 2019, would Canal pay for your
7 flights?

8 A. Some.

9 Q. To your knowledge, did Canal have a practice of
10 paying for any of its employees' flights?

11 MR. DROGIN: Objection to the form.

12 Are you talking about business-related or are
13 you just talking in general, or do you not
14 care?

15 Q. Please answer the question, Mr. Harvey.

16 MR. DROGIN: I'll object to the form.

17 A. Repeat the question, please.

18 Q. To your knowledge, did Canal have a practice of
19 paying for its employees' flights?

20 MR. DROGIN: Objection to the form.

21 A. I have no idea.

22 Q. And to your knowledge, did Canal have a
23 practice of paying for your flights?

24 A. Yes.

25 Q. Would Canal pay for all of your travel between

1 DANIEL HARVEY

2 California and New York?

3 A. No.

4 Q. When would Canal pay for your travel, pay for
5 your flights?

6 MR. DROGIN: Objection to the form.

7 MR. BENNETT: Just to clarify, this is
8 still 2013 to 2019 or is it a more specific
9 time period?

10 MS. SLOAN: Yes. And if I don't say
11 otherwise, you can assume that the time period
12 I'm speaking about is 2013 to 2019.

13 A. Production would reimburse Canal periodically
14 on my flights when I was on working projects, and my
15 travel.

16 Q. Did Mr. De Niro authorize you to book the
17 flights using a Canal credit card?

18 A. Yes, I was authorized. Yes.

19 Q. By Mr. De Niro?

20 A. By his financial advisors.

21 Q. Okay. So every time that you booked a flight
22 using a Canal credit card, Mr. Tasch would specifically
23 authorize that purchase, is that --

24 MR. DROGIN: Objection to the form.

25 You can answer.

1 DANIEL HARVEY

2 Q. -- is that correct?

3 A. No.

4 Q. Can you please explain?

5 A. What's the question?

6 Q. When would you speak with Mr. Tasch in relation
7 to the flights that you purchased using a Canal credit
8 card? Just trying to get a sense of when you had the
9 approval from Mr. Tasch.

10 A. When it was work-related.

11 Q. Okay. And so when -- can you explain what
12 work-related means to you in this context?

13 A. Yes, when Mr. De Niro wanted me to work, it was
14 work-related. I would come in and see him.

15 Q. When you would book flights -- sorry. When you
16 would go onto location, would you book flights using a
17 Canal credit card?

18 A. When I would book flights? Excuse me, what was
19 the first part?

20 Q. To a film location?

21 A. Sometimes. Rarely.

22 Q. Do you at sometimes book flights to a film
23 location and pay for your own flights?

24 A. Most of the time I would go with him private or
25 whatever or, yeah.

1 DANIEL HARVEY

2 Q. Understood. Prior to having a credit card in
3 your own name in 2015, how did you book your
4 work-related flights?

5 A. I can't remember. I have no idea.

6 Q. Did Canal assistants typically book flights for
7 you?

8 A. There was a period that they assisted. I can't
9 remember what the time frame was.

10 Q. You would book flights on Canal's credit card
11 without first speaking to Mr. De Niro or Mr. Tasch,
12 correct?

13 MR. DROGIN: Objection to the form.
14 You're doing it again. So I'll object to the
15 form of the question. It's compound. It
16 misstates the witness's testimony.

17 Q. Please answer the question, Mr. Harvey.

18 MR. DROGIN: Subject to the objection,
19 you can answer.

20 A. Sometimes, yes.

21 Q. To your knowledge, is there any written record
22 of Mr. De Niro and Mr. Tasch authorizing you to pay for
23 your flights using a Canal credit card?

24 A. To my knowledge, I have no idea.

25 Q. Communications with Mr. De Niro concerning

1 DANIEL HARVEY

2 expenses primarily took place orally rather than over
3 e-mail; is that correct?

4 MR. DROGIN: Objection to the form.

5 I'm sorry. Was the word primarily? Is that
6 the word you used?

7 MS. SLOAN: Yes.

8 MR. DROGIN: Objection to the form.

9 A. I couldn't say either way. I don't know.

10 Q. You would book hotels on Canal's credit card
11 without first speaking to Mr. De Niro or Mr. Tasch; is
12 that correct?

13 MR. DROGIN: Objection to the form.

14 A. They were aware I was working with him. They
15 were aware of it. I don't know if I actually spoke to
16 them. Yes, they knew I was -- yes, they were aware of
17 it, let's put it that way. I was on location or in his
18 place on Montauk or Upstate. They were aware of it.

19 Q. My question is, you would book hotels on
20 Canal's credit card without first speaking to Mr. De
21 Niro or Mr. Tasch?

22 A. Yes.

23 MR. DROGIN: Objection to the form.

24 You're assuming that there ever needed to be a
25 conversation. These questions are

1 DANIEL HARVEY

2 objectionable. You're assuming facts that
3 aren't in evidence. I understand what you want
4 him to say, but you can't put the words in his
5 mouth. You're just making assumptions.

6 Q. Mr. Harvey, would you charge meals to Canal's
7 credit card?

8 A. Yes.

9 Q. And you would charge those meals on Canal's
10 credit card without first speaking to Mr. De Niro or Mr.
11 Tasch; is that correct?

12 MR. DROGIN: Objection to the form.
13 Are you talking about personal meals? Are you
14 talking about business meals? Are you assuming
15 that they don't know what he's doing? I
16 understand you want a blanket statement, but
17 I'm objecting to all of these questions.

18 Q. Mr. Harvey, can you please answer the question?

19 MR. DROGIN: I'm just pointing out the
20 flaw in your line of questioning, so if you
21 ever try to use this, it's very clear you're
22 misleading the witness. You're not
23 differentiating between relevant factors.

24 A. They were aware -- I was on location, I was out
25 of town, it's a business expense. When you go out of

1 DANIEL HARVEY

2 town, it was a business expense. They understood that I
3 was away from home and my meals were covered.

4 Q. Okay. So you would book -- you said you would
5 pay for meals on Canal's credit card without first
6 speaking to Mr. De Niro or Mr. Tasch, correct?

7 MR. DROGIN: Objection. Objection.

8 Same objection. You've asked him the question
9 and now you're rephrasing it in a misleading
10 way. You have his testimony.

11 Q. Please answer the question.

12 MR. DROGIN: I'm not going to let you
13 do that. You're not going to put this in your
14 words. You're asking the witness questions.
15 There's no need to summarize it or twist it,
16 turn it around. We all know what he's saying
17 and we all see what you're trying to do.

18 Q. Please answer the question.

19 A. As I said, it was a business expense. That's
20 understood. I was out of town, on location or out of
21 town on business.

22 Q. What other expenses would you charge to Canal
23 American Express?

24 A. Business expenses. Whatever came. Basically
25 that's it. Exercise equipment that he needed.

1 DANIEL HARVEY

2 Q. Please explain what else you mean by business
3 expenses?

4 A. Gas, when I'm on location. Exercise equipment
5 that he needed to work out with. Basically it.

6 Q. What about a rental car?

7 MR. DROGIN: Objection to form.

8 A. No. Usually a rental car was provided for me
9 by a production company when I was on location. A
10 production company would provide me with a rental car.

11 Q. What about ground transportation, like, taxis
12 or Ubers or Lyfts?

13 A. I would need a taxi service to and from the
14 airports. Business-related.

15 Q. So you would charge the taxis to and from the
16 airport to the Canal credit card when it was
17 business-related; is that correct?

18 A. Yes, that's correct.

19 Q. During the period -- and you would, you know,
20 charge the taxis to Canal's credit card without speaking
21 to Mr. De Niro or Mr. Tasch first, correct?

22 MR. DROGIN: Objection to the form.

23 Misstates the witness's testimony. You're
24 assuming that it ever would have been
25 necessary.

1 DANIEL HARVEY

2 MS. SLOAN: Counsel, please stop.

3 MR. DROGIN: Well, please stop doing
4 what you're doing. You're trying to rewrite --

5 Q. Please answer the question, Mr. Harvey.

6 MR. DROGIN: You're asking it in a way
7 that misstates his testimony, that's the
8 problem.

9 Q. Answer the question, Mr. Harvey.

10 MR. DROGIN: Well, let me object.
11 You're assuming a fact that is not in evidence
12 that that was what was required or necessary or
13 should have been done.

14 Q. Answer the question, Mr. Harvey.

15 A. Can you please repeat it?

16 MR. DROGIN: Subject to the objection,
17 you can answer.

18 MS. SLOAN: Brooke, can you please
19 repeat the question. Thank you.

20 (Whereupon, the record was read by the
21 reporter.)

22 MR. DROGIN: My objection is noted.

23 A. They were aware I was traveling on business and
24 that was protocol for me.

25 Q. During the period from 2013 to 2019, would you

1 DANIEL HARVEY

2 ever seek expense reimbursement from Canal for charges
3 that you incurred?

4 A. I can't remember. Possibly.

5 Q. For what types of expenses would you seek
6 reimbursement from Canal --

7 MR. DROGIN: Objection. He just told
8 you he doesn't remember. Which part of that
9 don't you get? If he doesn't remember, how can
10 he possibly tell you? Are you listening to
11 these questions, because we are. I'm sorry,
12 this is absurd.

13 Q. Mr. Harvey, let me repeat the question.

14 MR. DROGIN: You don't have to repeat
15 it. Listen to your prior question. He said I
16 don't remember and now you're asking for an
17 example. Okay?

18 MS. SLOAN: Counsel, please stop.

19 MR. DROGIN: Tell me what different
20 types of rock that are on the moon and then I
21 want to ask you about them.

22 MS. SLOAN: Counsel.

23 Q. For what types of expenses did you seek
24 reimbursement from Canal during the period from 2013 to
25 2019?

1 DANIEL HARVEY

2 MR. DROGIN: Objection. I note that
3 the witness has already told you that he
4 doesn't remember. So you're assuming a fact
5 that you know is not in evidence.

6 A. Yeah. I can't remember, I'm sorry.

7 Q. To your knowledge, did Canal have a
8 reimbursement policy that specified what expenses
9 employees could be reimbursed for?

10 A. I don't know.

11 Q. To your knowledge, did Canal have a
12 reimbursement policy that specified what expenses you
13 could be reimbursed for?

14 A. I don't know.

15 Q. Can you recall the Canal reimbursement process
16 between 2013 and 2019?

17 A. I cannot.

18 Q. During the period from 2013 to 2019, how often
19 would Canal pay for your stay at the Greenwich Hotel?

20 A. I have no idea. I told you, they were
21 reimbursed by production companies that paid for the
22 hotel the majority of the time. Canal very rarely, I
23 believe, paid for it, if at all.

24 Q. What was the standard protocol for what charges
25 could or could not be charged to a Canal American

1 DANIEL HARVEY

2 Express?

3 MR. DROGIN: Objection. Do you know if
4 there was a standard protocol? You're assuming
5 a fact not in evidence. You ask, do you know
6 if there was a standard protocol? The answer
7 is yes. You ask what it was. You don't assume
8 that something exists. I object to the form.
9 I object to what you're doing here. It assumes
10 a fact not in evidence.

11 MS. SLOAN: Counsel stop.

12 MR. DROGIN: I'm allowed to make my
13 objections. We did not --

14 MS. SLOAN: Your objection is noted.

15 Q. Mr. Harvey, please answer the question.

16 A. I have no idea.

17 Q. Okay. Thank you. Has Mr. De Niro ever spoken
18 to you about expenses that he did not approve of?

19 MR. DROGIN: With regard to him or
20 other people?

21 Q. Start with regard to you. Has Mr. De Niro ever
22 spoken to you about expenses that he did not approve of
23 with regard to yourself?

24 A. Not that I can recall.

25 Q. Has Mr. De Niro ever spoken to you about

1 DANIEL HARVEY

2 expenses that he did not approve of from any other Canal
3 employee?

4 A. I have no idea.

5 Q. Over the years, what positive things has Mr. De
6 Niro said about Ms. Robinson?

7 MR. DROGIN: Objection to the form.

8 A. I don't know.

9 Q. Based on your observations, was Ms. Robinson a
10 hard worker?

11 MR. DROGIN: Objection to the form.

12 You can answer it.

13 A. No.

14 Q. Over the years, what positive things has Tom
15 Harvey said about Ms. Robinson?

16 A. Repeat the question.

17 Q. Let me withdraw that question and I'll come
18 back to it in a second. So I asked based on your
19 observation was Ms. Robinson a hard worker. What was
20 the basis for your response?

21 A. Basis for my response was that um, she was away
22 a lot while we were on location working. And then just
23 from my observation calling -- anything he needed she
24 would call the office in New York and tell them to do it
25 while she was away, basically, yeah.

1 DANIEL HARVEY

2 Q. How often did you observe Ms. Robinson when she
3 was working for Mr. De Niro?

4 MR. DROGIN: Objection to the form.

5 A. Physically? How do you mean?

6 Q. You responded based on your observations. So
7 I'm asking about how often you had those observations.

8 A. Well, we were on location a lot and it seemed
9 to be that every time we were on -- Mr. De Niro worked a
10 lot of time out of town, we were on location a lot of
11 times, he does a lot of movies a year. And every time
12 it seemed we were on location, she would go to Europe or
13 somewhere and we'd be working for months at a time and
14 you know, I'm in his presence and she's out of town and
15 he's requesting something for her to do and then
16 apparently she's just calling the office in New York and
17 telling the girls in the office to do it and she's away.
18 That's my observations. Those are my observations.

19 Q. What do you think of Ms. Robinson?

20 MR. DROGIN: Stand back for this one.

21 A. What do I think? I think she's manipulative,
22 bully. Not a pleasant person, not a team player, not
23 someone I really would ever want to work with.

24 MR. DROGIN: Can you read that back,
25 please. I just want to hear it again.

1 DANIEL HARVEY

2 (Whereupon, the record was read by the
3 reporter.)

4 Q. Please explain.

5 MR. DROGIN: Objection to the form.
6 Can you break it down? Manipulative, bully,
7 not a team player, not a pleasant person, not
8 someone I want to work with.

9 MS. SLOAN: Counsel, please stop.

10 MR. DROGIN: Well, I just want to make
11 sure that he answers all five questions. Let's
12 start with manipulative.

13 MS. SLOAN: Counsel, please stop.

14 MR. DROGIN: I'm going to direct him
15 not to answer the question if you're going to
16 ask him to summarize five different things that
17 he just said into one. If you want to find out
18 why he think she's manipulative, ask him.

19 MS. SLOAN: Counsel, I'm going to --

20 MR. DROGIN: If you want to find out
21 why he thinks she's a bully, ask him.

22 Q. Mr. Harvey, please explain.

23 MR. DROGIN: Where are we starting?

24 A. This is like -- really, where are we starting?

25 MR. DROGIN: Sometimes when you open

1 DANIEL HARVEY

2 the door, a train rolls you over. Now we're
3 going to have the train. The question I
4 suppose is, why do you believe she's
5 manipulative?

6 Q. Please explain the basis for your statements
7 about Ms. Robinson?

8 A. For instance, she tried to dictate to me my per
9 diem on a couple of projects, telling me that -- what I
10 was entitled to on location when it was none of her
11 business at all. And when I was entitled to per diem
12 from the production company and she decided that she was
13 going to be the one to claim the per diem through Canal
14 and then dictate to me how much per meal I could get on
15 location in New Orleans, Louisiana and told me that I
16 needed to get a receipt for every piece of food or drink
17 I purchased. And anything I didn't use over a certain
18 limit, I was not going to get reimbursed with, and if I
19 didn't have all the receipts to her by three days before
20 the project ended, that I wouldn't get any
21 reimbursements. And I told my boss this at the end of
22 the project. And I said, I don't want any
23 reimbursement. I'm entitled from the movie company to
24 have my meals paid for when I'm out of town on location
25 working, and I am not going to ask you for anything. I

1 DANIEL HARVEY

2 cannot work under these conditions again. I don't want
3 to ever have this woman, Chase Robinson ever e-mail or
4 text me again or I am not working for you any longer.
5 And he took care of the situation for me. And that was
6 the last and only time I really had to answer to her,
7 ever.

8 Q. And when was this?

9 A. I don't know. Five, six, years ago, seven
10 years ago, somewhere. Does it really matter?

11 Q. Are you aware of Mr. De Niro ever calling any
12 female employees names?

13 MR. DROGIN: Objection to the form.

14 A. I am not.

15 Q. Are you aware of Mr. De Niro ever using curse
16 words to talk about any female employees?

17 A. Am I aware of? Possibly, I don't know. I have
18 no idea. Has he cursed in my presence? Possibly. I've
19 been working with him a long time. Am I aware of it?
20 It may have happened. I can't remember.

21 Q. Do you recall Mr. De Niro referring to Ms.
22 Robinson as one of the girls?

23 A. No.

24 Q. At times Mr. De Niro used curse words to talk
25 about Ms. Robinson?

1 DANIEL HARVEY

2 A. You're stating that or is that a question?

3 Q. That's a question. At times did Mr. De Niro
4 use curse words to talk about Ms. Robinson?

5 A. Never to me.

6 Q. Do you recall Mr. De Niro referring to other
7 female employees as the girls?

8 A. I don't recall that.

9 Q. Returning to your testimony that Mr. De Niro
10 took care of it, please explain how Mr. De Niro took
11 care of it?

12 A. He called his financial advisors and they spoke
13 to me and they said don't worry, anything -- you just
14 deal with us directly, Dan. You don't work for Chase.
15 And Bob does not want you to have to deal with her.

16 Q. And you're referring to Mr. Tasch?

17 A. At the time it was Mr. Boswick.

18 Q. Did you ever observe or overhear Mr. De Niro
19 yelling at Ms. Robinson?

20 A. Repeat the question.

21 Q. Did you ever observe or overhear Mr. De Niro
22 yelling at Ms. Robinson?

23 A. I never heard him yell at her when we were in
24 his presence. Possibly over the phone. Possibly. I
25 don't know who he's talking to, but I assume that there

1 DANIEL HARVEY

2 could have been a time. You know, I don't know. I
3 can't say definitively.

4 Q. There may have been a time that you overheard
5 him over the phone, but you don't --

6 A. He would get upset with the office from time to
7 time. I don't know who he was speaking to in the
8 office, but he would get upset with the office from time
9 to time if something wasn't done.

10 Q. You're aware that Ms. Robinson's employment at
11 Canal ended in April 2019, correct?

12 A. If that's when it was, yes. Approximately I do
13 know that, yes.

14 Q. How did you become aware that Ms. Robinson's
15 employment at Canal ended?

16 A. I couldn't tell you. I don't remember
17 specifically how I found out.

18 Q. Do you recall Mr. De Niro's reaction to Ms.
19 Robinson's departure from Canal?

20 A. I do not. I do not.

21 Q. Was Mr. De Niro angry about Ms. Robinson's
22 departure from Canal?

23 MR. DROGIN: Objection to the form. He
24 just told you he doesn't remember.

25 Q. Please answer the question, Mr. Harvey.

1 DANIEL HARVEY

2 A. I just said I don't know what his reactions or
3 his feelings were.

4 Q. Since Ms. Robinson's employment at Canal ended,
5 have you ever discussed Ms. Robinson with Mr. De Niro?

6 A. Yes.

7 Q. On how many occasions since Ms. Robinson's
8 employment at Canal ended have you discussed Ms.
9 Robinson with Mr. De Niro?

10 A. A handful of times. He actually brought up,
11 now, I understand, Dan, why you were so upset, and I'm
12 sorry that I put you through this. I should have known
13 better. And then we didn't want to talk about it much
14 more than that because we didn't want to waste any more
15 of our time, like we're presently doing.

16 Q. Do you remember when that conversation
17 occurred?

18 A. I do not.

19 Q. What else did Mr. De Niro say about Ms.
20 Robinson in that conversation?

21 A. Nothing. Just generally how disappointed he
22 was in general terms.

23 Q. And did he say why he was disappointed?

24 A. He did not.

25 Q. Do you have any other recollection of other

1 DANIEL HARVEY

2 conversations that you had with Mr. De Niro about Ms.
3 Robinson since her employment at Canal ended?

4 A. No, I can't recall. It's not something we
5 discussed really.

6 Q. And how did Mr. De Niro express his
7 disappointment to you in that conversation?

8 A. That he was embarrassed that he trusted me for
9 so long and my loyalty and that she put me through so
10 much heartache over the years. And yeah, he felt bad
11 about that. Because I gave him a lot of years of my
12 life, and he felt disappointed in himself that I had to
13 go through that period of time where it was really an
14 uncomfortable working environment. Let's say that.

15 Q. Can you tell me anything else you remember
16 about that conversation with Mr. De Niro?

17 A. No, it was just very brief. No, that's all I
18 could recall. It was brief.

19 Q. Since Ms. Robinson's employment at Canal ended,
20 other than the conversation you just described, did you
21 have discussions with Mr. De Niro in which he spoke
22 negatively about Ms. Robinson?

23 A. I can't remember. I don't believe so.

24 Q. Did Mr. De Niro --

25 A. Just to go back there, I just told you earlier,

1 DANIEL HARVEY

2 it's not a subject we discussed. We moved on. So it's
3 not even I don't remember. We don't discuss it. We've
4 moved on. I'm sorry, I'm just -- it's not something
5 that I discussed. We were working.

6 Q. Did Mr. De Niro ever express the view that Ms.
7 Robinson was disloyal?

8 A. I told you, he didn't discuss it with me. From
9 just what I told you earlier, that's all.

10 Q. When did you first become aware that Mr. De
11 Niro was concerned that Ms. Robinson was going to bring
12 a lawsuit against him?

13 MR. DROGIN: Objection to form.

14 Assumes facts not in evidence.

15 A. That ridiculous. I don't know. That's his
16 business, not my business. I have nothing to do with
17 that. I have a job to do for him and I don't discuss
18 any of that. It's not something -- no, nothing.

19 Q. So just to clarify, did Mr. De Niro talk to you
20 about his plans to bring a lawsuit against Ms. Robinson?

21 A. He did not, to be perfectly clear. No.

22 Q. You are aware that Canal brought a lawsuit
23 against Ms. Robinson, right?

24 A. You know what, since you're telling me, yes, I
25 do know. I don't know who -- to tell you the truth, I

1 DANIEL HARVEY

2 didn't know who brought a lawsuit against who. I do my
3 gig. So now that you're telling me that he did, okay.
4 I'm assuming what you're telling me is fact, and if
5 that's the case, then I now do.

6 Q. Before this moment, were you aware that Canal
7 brought a lawsuit against Ms. Robinson?

8 A. You know what, I really didn't give it much
9 thought. I know there was a lawsuit, I didn't know who
10 brought what against who. That's all I know. I know
11 there was a lawsuit. I don't know who brought it upon
12 who. I'm sorry, that's all I can tell you. I stay out
13 of it. Not my business. And that's the truth.

14 Q. Did anyone else at Canal discuss with you Mr.
15 De Niro and Canal's plan to bring a lawsuit against Ms.
16 Robinson?

17 A. I didn't even know they were bringing a lawsuit
18 against her, so no.

19 MR. DROGIN: Just check the running
20 time. How long have we been on the record?

21 THE VIDEOGRAPHER: At 5:11 it will be
22 three and a half hours.

23 MR. DROGIN: Okay. So that would be
24 half a day. I have no objection. Take as long
25 as you want.

1 DANIEL HARVEY

2 Q. Did your brother --

3 MR. DROGIN: You can take another three
4 hours, if you'd like.

5 Q. Did your brother, Tom Harvey, speak to you
6 about Canal's plans to bring a lawsuit against Ms.
7 Robinson?

8 A. No.

9 Q. Did Tiffany Chen speak to you about Canal's
10 plans to bring a lawsuit against Ms. Robinson?

11 A. I don't think anybody did. If they did, I
12 don't remember because I'm not paying attention to it.

13 Q. Did you speak to Tom Harvey about the
14 litigation between Ms. Robinson and Mr. De Niro?

15 MR. DROGIN: Objection to the form.

16 A. Answer the question? No, I did not. Did I
17 speak to him, no.

18 Q. Did you speak to Tiffany Chen about the
19 litigation between Ms. Robinson and Mr. De Niro?

20 A. No, I don't -- no.

21 Q. Did you speak to Mr. De Niro about the
22 litigation between Ms. Robinson and Mr. De Niro?

23 MR. DROGIN: Objection to the form.

24 We've been over this, but --

25 A. No.

1 DANIEL HARVEY

2 Q. You said no; is that correct?

3 A. I said no.

4 Q. And did you speak to any other Canal employee
5 or anyone associated with Canal about the litigation
6 between Ms. Robinson and Mr. De Niro?

7 A. No.

8 Q. Mr. De Niro [REDACTED]; is that
9 correct?

10 MR. DROGIN: Objection to the form. I
11 don't know how -- I'm going to object to the
12 form. I don't know how he could know what
13 another person [REDACTED]. I [REDACTED]
14 [REDACTED]. Did you know that?

15 Q. Please answer the question, Mr. Harvey?

16 A. I can't answer that. I'm not a professional.
17 I can't answer that correctly. You'd have to ask a
18 professional about that. I can't.

19 Q. To your knowledge, does Mr. De Niro [REDACTED]
20 [REDACTED]

21 MR. DROGIN: Objection to the form.
22 You can answer.

23 A. I don't know. That's assuming that [REDACTED]
24 [REDACTED]. I have no idea. I can't answer that
25 question. It's impossible.

1 DANIEL HARVEY

2 Q. As far as you know, does Mr. De Niro consider
3 himself [REDACTED]

4 A. As far as I know, I don't think he does. I
5 don't know. You'd have to ask him. I have no idea. No
6 one has labeled -- I don't know. I can't answer that.

7 Q. Do you know of a term that Mr. De Niro uses to
8 describe any [REDACTED]

9 A. No.

10 Q. Have you ever -- to your knowledge, does Mr. De
11 Niro [REDACTED]

12 MR. DROGIN: Objection to the form.

13 Can you narrow it down to a particular night?

14 I don't know what that means.

15 Q. Please answer the question, Mr. Harvey.

16 MR. DROGIN: Can you repeat it again?

17 Q. To your knowledge, does Mr. De Niro [REDACTED]

[REDACTED] ?

19 MR. DROGIN: I'm going to direct him
20 not to answer the question. I think that's an
21 inappropriate question. Are you talking about
22 today? Are you talking about in one night? I
23 have no idea what that question even means.

24 MS. SLOAN: That's an improper
25 instruction.

1 DANIEL HARVEY

2 MR. DROGIN: I don't agree with you.

3 Q. To your knowledge, does Mr. De Niro [REDACTED]
4 [REDACTED]?

5 A. Repeat that question, please.

6 Q. To your knowledge, does Mr. De Niro [REDACTED]
7 [REDACTED]?

8 A. [REDACTED]

9 Q. As far as you know, how frequently was Mr. De
10 Niro [REDACTED] in 2018?

11 MR. DROGIN: Objection to the form.

12 A. I cannot answer that question. Impossible.

13 Q. As far as you know, how frequently was Mr. De
14 Niro [REDACTED] in 2019?

15 MR. DROGIN: Objection to the form.

16 A. I have no idea.

17 Q. As far as you know, how frequently was Mr. De
18 Niro [REDACTED] in 2020?

19 MR. DROGIN: Objection to the form.

20 A. I have no idea.

21 Q. And as far as you know, how frequently was Mr.
22 De Niro [REDACTED] in 2021?

23 MR. DROGIN: Same objection.

24 A. I have no idea.

25 Q. Did you observe Mr. De Niro [REDACTED] daily when

1 DANIEL HARVEY

2 you were on set with him?

3 MR. DROGIN: Objection to the form.

4 Over 34 years? 38 years?

5 Q. In the last five years, have you observed Mr.
6 De Niro [REDACTED] daily when you were on set with him?

7 A. I wasn't on set with him very often.

8 Q. Over the last five years, you haven't been on
9 set with him very often; is that what your testimony is?

10 A. I don't go to set very often.

11 Q. When you're on any sort of film location with
12 him, have you observed him [REDACTED] daily?

13 MR. DROGIN: Objection to the form.

14 Q. In the last five years, when you've been on any
15 sort of film location with him, have you observed him
16 [REDACTED] daily?

17 A. No.

18 Q. How often would you observe Mr. De Niro [REDACTED]
19 on location during the last five years?

20 MR. DROGIN: Objection to the form.

21 Can you just clarify, is on location the same
22 as on set? Are you talking about if they have
23 [REDACTED] at dinner? I don't know what you're
24 asking. Can you clarify?

25 MS. SLOAN: If Mr. Harvey wants a

1 DANIEL HARVEY

2 clarification, I'm happy to provide.

3 A. I don't know where you're speaking about.

4 Q. If you're on location with Mr. De Niro at any
5 point, you know, during the days or weeks that you're on
6 location with him filming, have you observed Mr. De Niro
7 [REDACTED] on a daily basis?

8 A. No, not on a daily basis. No.

9 Q. So how often did you observe Mr. De Niro
10 [REDACTED] when you were --

11 MR. DROGIN: Objection to the form.

12 Q. -- on location with him at any point, you know,
13 during those days or weeks?

14 A. During a five-year period?

15 Q. Yes.

16 A. Occasionally. I worked with him in the
17 morning. I did not see him, I couldn't tell you. So
18 occasionally.

19 Q. Can you please explain what occasionally means?

20 A. The last five years, I don't know.

21 Occasionally means occasionally. I wasn't in his
22 presence. I was in his presence in the morning when I
23 was working with him one on one directly in a room and
24 for three, four hours in the early part of the day.
25 Occasionally I would see him at dinner, he does his own

1 DANIEL HARVEY

2 thing for dinner and I would be in my hotel getting
3 ready to go in the bed and get up at 3:00 in the morning
4 to go to work. So occasionally means occasionally, if
5 there was a dinner and that I see him possibly [REDACTED]
[REDACTED] ON
[REDACTED] you know. I didn't go out with him.

7 Q. Did it happen several times a week?

8 MR. DROGIN: Did what happen several
9 times a week?

10 Q. Did you have dinner with Mr. De Niro when you
11 observed Mr. De Niro [REDACTED] several times a
12 week?

13 MR. DROGIN: Objection to the form.

14 A. I already said rarely, I would rarely see him.
15 So it can't be -- it was a working relationship. I
16 didn't frequently have -- no, so rarely. Rarely. I
17 worked for him I said. Rarely.

18 Q. You've had occasion to observe Mr. De Niro
19 [REDACTED] is that correct?

20 A. I can't say I can definitively say that.

21 Q. What is Mr. De Niro like when [REDACTED]?

22 MR. DROGIN: Objection. I'm going to
23 direct the witness not to answer. Happy to
24 have you call the Judge on that one.

25 Q. Mr. Harvey, are you refusing to answer the

1 DANIEL HARVEY

2 question?

3 A. Repeat the question again.

4 Q. What is Mr. De Niro like when he is drinking?

5 MR. DROGIN: And my direction to you is
6 not to answer the question. So you can either
7 accept the legal advice and not answer the
8 question or you can answer it over my
9 direction. So she's asking now are you going
10 to answer the question over your attorney's
11 direction, yes or no?

12 THE WITNESS: I am not.

13 Q. Did you ever see Mr. De Niro when he had [REDACTED]
[REDACTED] HON
[REDACTED]?

15 A. I don't know what [REDACTED] would be. What is
16 [REDACTED] to you? [REDACTED] could be different for
17 everybody. How do I know what is [REDACTED] to him?

18 Q. Based on your own understandings, did you ever
19 observe him [REDACTED]

20 A. I couldn't say it's definitively just the
21 [REDACTED] It could just be [REDACTED] So I couldn't
22 definitively say I've seen him. [REDACTED]

[REDACTED] [REDACTED]. He works himself hard. [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

1 DANIEL HARVEY

2

3 Q. What was Mr. De Niro's demeanor like when he
4 may have been -- [REDACTED]?

5 MR. DROGIN: Objection. With the same
6 direction. I'm going to direct him not to
7 answer.

8 Q. Mr. Harvey, are you refusing not to answer that
9 question?

10 A. Yeah, I'm not going to answer that question.
11 Thank you.

12 MS. SLOAN: That's an improper
13 direction.

14 MR. DROGIN: I don't agree. I don't
15 agree with your assessment. I think you're
16 wrong. I think it's an improper question on
17 multiple levels and it has absolutely nothing
18 to do with this case. This is a witness who is
19 supposed to be here because of an equal pay
20 claim.

21 MS. SLOAN: Counsel, stop.

22 Q. Mr. Harvey, have you ever observed Mr. De Niro

23 [REDACTED]

24 MR. DROGIN: Objection to the form.
25 You can answer it.

1 DANIEL HARVEY

2 A. Possibly. I couldn't tell definitively.

3 Possibly, like I said.

4 Q. What is Mr. De Niro like when he is

5 [REDACTED]

6 MR. DROGIN: Same direction, not to
7 answer. I'm kind of about ready to pull the
8 plug on the deposition at this point. You're
9 over on time and this is just really absurd.

10 Q. Mr. Harvey, did you ever call Ms. Robinson and
11 express concern about [REDACTED]

12 A. Possibly, yes.

13 Q. When did that happen?

14 MR. DROGIN: Objection to the form. He
15 said possibly.

16 Q. To the best of your recollection, when did you
17 call Ms. Robinson?

18 MR. DROGIN: Same objection.

19 A. I have no idea.

20 Q. Do you recall what you said to Ms. Robinson
21 when you called her to [REDACTED]

22 [REDACTED]

23 MR. DROGIN: Objection to the form.

24 A. I do not remember any of it, no.

25 Q. Did you observe [REDACTED]

1 DANIEL HARVEY

2 [REDACTED]

3 A. I observed -- did I observe Mr. De Niro [REDACTED] ON

4 [REDACTED]

5 [REDACTED]

6 A. Not that I know of.

7 Q. Have you observed times when Mr. De Niro

8 [REDACTED]

9 MR. DROGIN: Please say I don't

10 remember. Because that would just be

11 hysterical on the transcript.

12 A. You know what, I don't remember. How am I
13 supposed to diagnose [REDACTED]

14 Q. Are you aware of times when Mr. De Niro has
15 been forgetful?

16 A. There may have been times, yeah. We're all
17 forgetful. I forget things. Yes, we're forgetful.
18 He's got a lot of things on his plate. He'll forget
19 things, yes. So, yes.

20 Q. Is it a common occurrence for Mr. De Niro to
21 forget things?

22 MR. DROGIN: Objection to the form.

23 Can you please explain what you mean by common.

24 MS. SLOAN: I'll withdraw the question.

25 Q. Have you ever collected Mr. De Niro after he

1 DANIEL HARVEY

2 [REDACTED]

3 A. [REDACTED] What do you mean [REDACTED] him?

4 What's [REDACTED] him?

5 Q. Have you ever [REDACTED]

6 [REDACTED]?

7 MR. DROGIN: Objection to the form.

8 A. No, I didn't -- never [REDACTED]

9 [REDACTED]

10 Q. Have you ever [REDACTED]

11 [REDACTED]

12 A. [REDACTED] him? What do you mean [REDACTED] him?

13 I don't understand that.

14 Q. Have you ever [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 MR. DROGIN: Objection.

21 A. Not that I'm aware of, no.

22 MS. SLOAN: Can we take a five-minute
23 break? Is that good for everyone?

24 MR. DROGIN: Sure.

25 MR. BENNETT: No objection.

1 DANIEL HARVEY

2 THE VIDEOGRAPHER: The time is now 5:25
3 p.m. We are going off the record.

4 (Whereupon, a short break was taken.)

5 THE VIDEOGRAPHER: The time is now 5:33
6 p.m. and we are back on the record.

7 Q. Has anyone at Canal discussed Mr. De Niro's
8 [REDACTED] with you?

9 MR. DROGIN: Objection to the form.
10 Direct the witness not to answer.

11 Q. Are you refusing to answer the question, Mr.
12 Harvey?

13 MR. DROGIN: What [REDACTED] are
14 you putting into evidence without foundation?

15 Q. Have you ever discussed with anyone at Canal
16 Mr. De Niro's [REDACTED]

17 A. Possibly.

18 Q. How -- to your knowledge, has Mr. De Niro been
19 [REDACTED]

20 A. To my knowledge, I'm not sure what it was for.

21 Q. Has Mr. De Niro been [REDACTED]

22 A. I'm not sure. I'm not sure if [REDACTED].

23 Q. Did you ever assist Mr. De Niro when he [REDACTED]
[REDACTED] ON

25 A. Did I ever assist him? What do you mean assist

1 DANIEL HARVEY

2 him?

3 Q. Did you ever provide assistance to Mr. De Niro
4 when [REDACTED]

5 A. What type of assistance?

6 Q. Any type of assistance. Have you ever provided
7 assistance to Mr. De Niro when [REDACTED]

8 A. You're assuming [REDACTED]. I don't know
9 if [REDACTED]. I totally don't know if
10 [REDACTED] [REDACTED]. I
11 have no idea.

12 Q. You physically [REDACTED]
13 didn't you?

14 A. I dropped Mr. De Niro off [REDACTED].
15 I have no idea what it was for.

16 Q. What's your understanding of [REDACTED]

[REDACTED]

18 A. My understanding, [REDACTED]

19 Q. Do you know what [REDACTED]

20 A. I don't know what [REDACTED], no.

21 Q. Do you know what [REDACTED]

22 A. Not specifically, no.

23 Q. Do you know what [REDACTED]

[REDACTED]

25 A. Yeah. [REDACTED]

1 DANIEL HARVEY

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 Q. So you have no idea why you [REDACTED]

7 [REDACTED]

8 A. No idea, you know what, I'd say I have --

9 because we -- that I felt that [REDACTED]

10 [REDACTED]

11 Q. What type of [REDACTED]

12 A. I don't know. You'd have to ask him.

13 Q. What problems was Mr. De Niro having when [REDACTED]

14 [REDACTED]

ACI
ION

15 A. He was going through a divorce.

16 Q. Was it your understanding that [REDACTED]

17 that he was brought to [REDACTED]

18 [REDACTED]

19 A. I don't know [REDACTED]

20 Q. You participated in [REDACTED]

21 [REDACTED]

22 A. Yes, I did.

23 Q. Can you describe what [REDACTED]

24 A. It was -- yes. Sure. It was [REDACTED]

25 [REDACTED]

1 DANIEL HARVEY

2 Q. And why did you [REDACTED]

3 [REDACTED]

4 A. Because he was having trouble with the divorce
5 and felt that he needed to get away.

6 Q. Was he [REDACTED]

7 A. I'm not sure.

8 MR. DROGIN: Objection to the form.
9 What time are you talking about?

10 MS. SLOAN: During the divorce that Mr.
11 Harvey was talking about. But that leads me to
12 the next question.

13 Q. When was this, Mr. Harvey?

14 A. I don't know. A few years ago, three or four
15 years ago. I'm not sure.

16 Q. When did you take Mr. De Niro [REDACTED]

17 [REDACTED]

18 A. I told you, I don't remember. A few years ago.

19 Q. And when was [REDACTED]

20 A. That same period.

21 Q. How long was the period?

22 A. I don't remember.

23 MR. DROGIN: Counsel, unless you're
24 going to link this to Chase Robinson in some
25 way, I'm going to direct him to stop answering

1 DANIEL HARVEY

2 this line of questions. So I'm giving you fair
3 warning. You know, if we're not going to talk
4 about Chase here, we're done. This is really
5 improper abuse. I'm letting you do this just
6 to create my sanctions record, just so you know
7 that given time to depose this witness, this is
8 what you want to talk about.

9 Q. As part of your job, did you communicate with

10 [REDACTED]

11 [REDACTED]?

12 MR. DROGIN: Objection to the form.

13 A. Repeat the question, please. Sorry.

14 Q. As part of your job, did you communicate with

15 [REDACTED]

16 [REDACTED]

17 MR. DROGIN: Same objection to the
18 form.

19 A. No.

20 Q. Can you repeat your answer, please.

21 A. No, that's not part of my job.

22 Q. Did you have any other job duties when Mr. De

23 Niro [REDACTED]

24 A. My job was to train him, personal training.

25 Q. And part of your job was [REDACTED]

1 DANIEL HARVEY

2 [REDACTED]?

3 A. No, that's not -- no.

4 Q. Is there any other time that you [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR. DROGIN: Objection to form.

8 A. No. Not that I can recall. Not that I would
9 remember.

10 Q. Your job was to do whatever Mr. De Niro asked
11 you to do, wasn't it?

12 MR. DROGIN: Objection to the form. Is
13 that like the old, if your friends told you to
14 jump off the bridge would you?

15 A. I told you earlier what my job descriptions
16 were. So that's what I was. I was not asked to do
17 other than what my specific skill set was for, and I
18 told you those two jobs.

19 Q. Okay. I'm going to ask you to turn your phone
20 on so that you can identify the two phone numbers that
21 you communicated with Mr. De Niro.

22 A. You know what, I have the one. During the
23 break I figured out the number that I communicated with
24 Mr. De Niro is. On a break I pulled it up. It's

25 [REDACTED] That's the one that I communicate with

1 DANIEL HARVEY

2 him.

3 Q. Okay. That was the one ending in [REDACTED] So did
4 you ever communicate with Mr. De Niro on a phone ending
5 in [REDACTED]

6 A. Not that I can remember. This is the one I've
7 been using for quite some time.

8 Q. Did you take notes during this deposition?

9 A. No, I did not.

10 MR. DROGIN: I'm sorry. What was the
11 question?

12 MS. SLOAN: Did you take notes during
13 this deposition.

14 A. No, just doodling. Why?

15 MS. SLOAN: This concludes our
16 questioning for today. Defense Counsel has
17 repeatedly impeded the deposition, made
18 inappropriate speaking objections, engaged in
19 inappropriate commentary on the record and
20 directed the witness not to answer questions.
21 We reserve all rights to take appropriate
22 relief from the Court.

23 MR. DROGIN: Now it's my turn to ask
24 some questions. And I will refrain from
25 characterizing what you've done in this

1 DANIEL HARVEY

2 deposition. You can read about it in our
3 sanctions motion.

4 EXAMINATION BY

5 MR. DROGIN:

6 Q. Dan, when you would interact with Chase
7 Robinson by phone, what kind of things would you and she
8 discuss?

9 A. Logistics, travel.

10 Q. Which was more frequent, you would call her or
11 she would call you?

12 MS. SLOAN: Objection to form.

13 A. If I was told -- more frequent, probably she
14 called me, I wouldn't know. I tried to limit my
15 interactions with Chase Robinson to the bare minimum
16 unless we had to.

17 Q. Did Canal ever pay for you to take a personal
18 vacation?

19 A. Never.

20 Q. You testified earlier that you thought Chase
21 was manipulative. What do you mean by that?

22 MS. SLOAN: Objection to form.

23 A. Making herself -- making it seem like she was
24 doing all the work and that everyone -- that she was in
25 charge of everyone and that -- I can't put it into

1 DANIEL HARVEY

2 words, I'm sorry.

3 Q. You said that there was a "uncomfortable
4 working environment". Do you remember using those
5 words?

6 A. I do.

7 Q. What do you mean by that? What was
8 uncomfortable about the working environment?

9 A. I think everyone that I came into acquaintance
10 at Canal and myself were fearful of Chase Robinson
11 because she was a bully and she would try to make you
12 look bad at any point possible to make herself feel more
13 important. And it was a very unfriendly working
14 environment and very uncomfortable, yes.

15 Q. This is based on observations that you've made
16 or something else?

17 MS. SLOAN: Objection to form.

18 A. Observations I made.

19 Q. What was [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

22 Q. Is that a [REDACTED]

23 A. It is a [REDACTED]

24 Q. Did he move there after he got back from

25 [REDACTED]

1 DANIEL HARVEY

2 MS. SLOAN: Objection to form.

3 A. I believe he did.

4 Q. Came back from [REDACTED], spent the rest of the
5 summer in the Hamptons; is that right?

6 MS. SLOAN: Objection to form.

7 A. Yes, that's correct.

8 Q. And then he moved into [REDACTED] is that correct?

9 A. That is correct, yes.

10 Q. And you had occasion to be in [REDACTED] a few times,
11 right?

12 A. What's the time -- yes, I have.

13 Q. Well, all right. That's fair enough. From
14 let's say the summer of 2018 to April of 2019 when Chase
15 resigned.

16 A. Yes.

17 Q. Were you ever there with Chase?

18 A. One time, I believe.

19 Q. Tell us about what happened.

20 MS. SLOAN: Objection to form.

21 MR. DROGIN: What's wrong with the
22 form?

23 MS. SLOAN: Tell us about what
24 happened?

25 MR. DROGIN: Yeah.

1 DANIEL HARVEY

2 MS. SLOAN: Vague.

3 MR. DROGIN: I didn't know that was a
4 good objection. I would have used that too.
5 Go ahead.

6 A. What happened -- nothing -- I was just in there
7 for a few minutes, just to get an idea of the space that
8 Mr. De Niro wanted his gym in, his exercise equipment in
9 and was waiting on Mr. De Niro and Chase Robinson was
10 there and was going to move a couple of plants. They
11 were very large and she was having trouble. And I asked
12 if she needed help and I moved a couple of them for her.

13 Q. Were any other Canal employees there at that
14 time?

15 A. Any other --

16 Q. Canal employees there at the time?

17 A. I'm not sure. Possibly Michael Kaplan, but I
18 can't say for sure.

19 Q. Have you ever received any production credits
20 on Mr. De Niro's films?

21 A. Yes, I have.

22 Q. Do you know about how many?

23 A. I don't know. Early on I -- I don't know, I
24 worked on possibly up to 100 movies with him now. So
25 maybe the first 10 years I used to make sure I got the

1 DANIEL HARVEY

2 movie credit, they would give me the movie credits, so I
3 don't know, possibly 10 or so.

4 Q. So you worked with him as personal trainer on
5 many of his more famous films; isn't that true?

6 MS. SLOAN: Objection to form.

7 A. Yes.

8 Q. Cape Fear being one of them?

9 A. Yes.

10 Q. Goodfellas?

11 A. Yes.

12 Q. The Irishman?

13 A. Yes.

14 Q. List a few more.

15 A. Casino, Silver Linings Playbook, Awakenings,
16 Heat, Midnight Run.

17 Q. Charles Grodin?

18 A. Charles Grodin. Falling in Love. So I mean,
19 you name it. I worked with him on every one.

20 Q. Do you know if Chase Robinson was ever credited
21 on any of those movies?

22 A. I do not know.

23 Q. What did you understand Chase Robinson's job
24 was? And I'll use the same window that Ms. Sloan used.
25 Let's say 2013 to 2019. What did you understand her job

1 DANIEL HARVEY

2 was?

3 A. I understood her job as being one of Bob's
4 assistants. Mr. De Niro's assistants, excuse me.

5 Q. Did you ever know her to be vice-president of
6 production and finance?

7 A. No.

8 Q. Your interactions, other than the ones you just
9 testified about, do you recall any other type of
10 interaction you ever had with her that was work related?

11 A. I don't recall, no.

12 Q. Okay. You were asked really about three
13 different parts of your job, one being the physical
14 exercise and then the second about running lines, and
15 then there's like this third extra component you were
16 asked about, for example, you know, getting him coffee
17 or things like that. Do you understand what I'm talking
18 about, the different components; is that fair?

19 MS. SLOAN: Objection.

20 A. Yes.

21 Q. Is that fair, there were three different
22 components?

23 A. No, that's not true.

24 Q. Okay. How many different components are there?

25 A. There are components. I had two jobs; I'm a

1 DANIEL HARVEY

2 personal trainer that I told you and I would help him
3 prepare for movies with regards to memorizing the
4 scripts thoroughly and making sure that he was prepared
5 physically for whatever character he was playing,
6 whether he had to put on weight, lose weight or just
7 look healthier. So that was my job description. He
8 respected that and it wasn't like I was running errands
9 for him.

10 Q. That's what I was going to ask you. You were
11 asked about running errands and stuff like that. What
12 percentage of your job was not related to the physical
13 fitness portion or the running lines portion?

14 MS. SLOAN: Objection to form.

15 MR. DROGIN: What's the objection?

16 MS. SLOAN: It's a compound question.
17 Objection to form.

18 MR. DROGIN: Can I hear the question
19 read back.

20 (Whereupon, the record was read by the
21 reporter.)

22 MR. DROGIN: I don't think it's
23 compound.

24 Q. So if we were to take a pie, for example, and
25 we were to allocate, one portion to the physical fitness

1 DANIEL HARVEY

2 and another portion to the running lines and then a
3 third portion for anything else, how much is that
4 anything else, like the running errands and stuff, what
5 percentage?

6 MS. SLOAN: Objection to form.

7 A. Let's put it this way: I've been working for
8 him for a long time. We have a lot of respect for each
9 other. He respects me very much. Obviously he's got a
10 lot of responsibilities and it's gotten -- it's gotten
11 more stressful to stay on top as he gets older. We
12 work -- 99 percent of the time, it's all work. Yes, you
13 do someone a favor you've been with so long. He never
14 asks -- he would never ask me to get coffee. He just
15 respects me too much. It's not that kind of thing.
16 Obviously, you're going to do favors for people that
17 you're friendly with. He's not asking me to do errands.
18 That was never part of my job. If anything, he'd say
19 call the office. That was not part of -- he's --
20 there's just too much mutual respect.

21 MR. DROGIN: I don't have any further
22 questions. Ms. Sloan, any further from you?

23 MS. SLOAN: Nothing further from me.

24 Thank you for appearing here today, Mr. Harvey.

25 MR. BENNETT: Before we close the

1 DANIEL HARVEY

2 record, the witness would like to read and
3 sign. If I could just have that reflected in
4 the record, please.

5 MS. SLOAN: Sorry. I didn't actually
6 hear you, Greg.

7 THE REPORTER: I did. He said, "the
8 witness would like to read and sign".

9 MR. BENNETT: Thank you, Brooke. Yes.

10 THE REPORTER: No problem. And just on
11 the record, Mr. Drogin, you asked for an
12 expedite earlier. Do you still want an
13 expedite?

14 MR. DROGIN: What's the regular turn
15 around and what's the rough time?

16 THE REPORTER: 10 days is for a regular
17 turn around. A rough draft would be by
18 tomorrow and a daily would be by tomorrow. A
19 rough draft is only -- it's not going to give
20 you the full transcript. It will give you the
21 full transcript, but you know, not completely
22 edited. Okay.

23 MR. DROGIN: Okay. Do we have your
24 contact information somewhere?

25 THE REPORTER: Yeah. Mr. Bennett has

1 DANIEL HARVEY

2 my e-mail.

3 MR. DROGIN: Okay. We certainly don't
4 need a rough.

5 THE REPORTER: Okay.

6 MR. DROGIN: I'm sorry, we certainly
7 don't need rush. I'm inclined to get the rough
8 just so we can start to put everything
9 together.

10 THE REPORTER: Okay.

11 MR. BENNETT: Thank you, Brooke. And
12 on top of that Robin, when it comes to a copy
13 of the recording, how do we obtain that?

14 THE VIDEOGRAPHER: Well, you can let me
15 know and I will have it sent.

16 MR. BENNETT: Great. I would like you
17 to note me down for one please, yes.

18 THE VIDEOGRAPHER: Okay. And that is
19 Mr. Drogin, right?

20 MR. BENNETT: Sorry, no, no, no.
21 Sorry. Mr. Bennett. If you give me your
22 e-mail I'll e-mail you just so you have my
23 contact info.

24 MS. HARWIN: And I would note for the
25 record that at some point Mr. Tom Harvey joined

1 DANIEL HARVEY

2 the deposition, but I don't believe his
3 appearance or presence was noted for the
4 record. And so Robin, if you could coordinate
5 with Brooke, just to advise us as to when Mr.
6 Tom Harvey joined so that that's clear for the
7 record.

8 MS. SLOAN: And we will follow up with
9 you, Brooke, as well.

10 THE REPORTER: Okay. And so Ms. Sloan,
11 you would like a copy --

12 MS. SLOAN: We'll follow up with you
13 about the copy.

14 (Continued on next page to accommodate
15 jurat.)

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1 DANIEL HARVEY

2 THE REPORTER: Okay.

3 THE VIDEOGRAPHER: The time is now 5:58
4 p.m. this concludes our deposition and we are
5 going off the record.

6 (Time Noted: 5:58 p.m.)

7

8 DANIEL HARVEY

9

10 Subscribed and sworn to before me

11 this day of 2022.

12

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14 Notary Public

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C E R T I F I C A T E

I, BROOKE E. PERRY, hereby certify that the Examination Before Trial of DANIEL HARVEY was held before me on the 5th day of January, 2022; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein; That the within transcript is a true record of the Examination Before Trial of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of January, 2022.

Brooke E. Perry

BROOKE E. PERRY

1 ERRATA SHEET
 2 CASE NAME: ROBINSON v. DE NIRO, et al.
 3 DATE OF DEPOSITION: January 5, 2022
 4 WITNESS'S NAME: Daniel Harvey

5	PAGE	LINE (S)	CHANGE	REASON
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17

18

19 DANIEL HARVEY

20 SUBSCRIBED AND SWORN TO BEFORE ME

21 THIS ____ DAY OF _____, 20__.

22 _____

23 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

24

25